

SB 162 by **Stargel**; (Similar to H 0059) Offenses Against Unborn Children

SB 238 by **Joyner**; (Similar to H 0069) Public Records/Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Smith, Vice Chair

MEETING DATE: Monday, November 4, 2013

TIME: 4:00 —6:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Evers, Chair; Senator Smith, Vice Chair; Senators Altman, Bradley, Dean, Gibson, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 162 Stargel (Similar H 59)	Offenses Against Unborn Children; Citing this act as the "Florida Unborn Victims of Violence Act;" providing a rule of construction that a person who engages in conduct that violates any provision of the Florida Criminal Code or of a criminal offense defined by another statute and causes the death of, or bodily injury to, an unborn child commits a separate offense if such an offense is not otherwise specifically provided for; providing for criminal penalties for such an offense, etc. CJ 11/04/2013 Favorable JU RC	Favorable Yeas 5 Nays 2
2	SB 238 Joyner (Similar H 69)	Public Records/Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel; Creating an exemption from public records requirements for the names of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; providing for future review and repeal of the exemption; providing a statement of necessity, etc. CJ 11/04/2013 Fav/CS GO RC	Fav/CS Yeas 7 Nays 0
3	Briefing by the following entities on remedial actions taken based on the recent inmate escapes and use of fraudulent sentencing modification documents: Department of Law Enforcement (FDLE) Department of Corrections Clerks of Court State Attorneys		Presented
4	Presentation by FDLE and others on the investigation, prosecution, and punishment of technology-facilitated child sexual exploitation crimes.		Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Criminal Justice

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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 162

INTRODUCER: Senator Stargel

SUBJECT: Offenses Against Unborn Children

DATE: October 21, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.			JU	
3.			RC	
4.				
5.				
6.				

I. Summary:

SB 162 defines “unborn child” to mean any member of the species *Homo sapiens* at any stage of development who is carried in the womb for purposes of the Criminal Code or any criminal offense proscribed elsewhere in the Florida Statutes.

The bill changes current Criminal Code references to “unborn quick child” and “viable fetus” to “unborn child.”

The bill states that anyone who commits a crime causing bodily injury to or death of an unborn child commits a separate offense from any other offense. Therefore, although the bill specifically amends the statutes related to Driving Under the Influence, Vehicular Homicide, and Killing of an Unborn Quick Child by Injury to the Mother, the effect of the bill is not limited to these crimes.

Offenses committed against the unborn child are punished as if the offense had been committed against the pregnant mother. These offenses may include crimes other than homicide-related crimes such as battery or aggravated battery.

Assigning punishment for an offense against an unborn child does not require proof that the perpetrator had or should have had knowledge of the pregnancy or that he or she intended to cause death or harm to the child. The bill specifically provides that the death penalty may not be imposed for an offense against an unborn child.

This bill does not permit the prosecution of:

- Any person for conduct relating to an abortion for which the woman or her legal representative gave permission, or for which there was lawfully implied consent;
- Any person giving medical treatment to a pregnant woman or her unborn child; or
- Any woman with respect to her unborn child.

The bill provides an effective date of October 1, 2014.

Although no official impact is available, it is anticipated that this bill will increase prison admissions and have an indeterminate impact on prison beds.

This bill substantially amends the following sections of the Florida Statutes: 316.193, 435.05, 775.021, 782.071, 782.09, and 921.022.

II. Present Situation:

History of Prenatal Criminal Law

Beginning in the 17th century, the common law rule was that only children who were born alive were afforded protections of the criminal law.¹ This became known as the “born alive rule.” Due to the lack of medical technology in that time, it was difficult for doctors to know the health or condition of an unborn child; therefore, it was impossible to prove whether an assault on the mother was the proximate cause of the death of the fetus. The born alive rule became the standard in federal cases for imposing additional punishment on a perpetrator in crimes against an expectant mother. The born alive rule has been challenged many times; however, courts have upheld it stating that it is the job of the state legislatures to change the law.

Alternatively, some jurisdictions began adopting the rule that an unborn child is afforded protection of the criminal law at quickening, which was defined as “the first recognizable movements of the fetus, appearing usually from the sixteenth to eighteenth week of pregnancy.”² Quickening also became the evidentiary standard for determining whether a person violated an abortion statute because, at the time (early 20th century), it was the most certain way to determine whether a woman was pregnant or not.

Finally, many jurisdictions have determined that an unborn child is afforded protection under the law if the fetus is viable. This term has been defined as “the physical maturation or physiological capability of the fetus to live outside the womb.”³ The Massachusetts Supreme Court became the first court to include viable unborn children in the statutory meaning of “person” for purposes of criminal laws.⁴

¹ Joseph L. Falvey, Jr., *Kill an Unborn Child – Go to Jail: The Unborn Victims of Violence Act of 2004 and Military Justice*, 53 NAVAL L. REV. 1, 1 (2006).

² *Id.* at 5 (quoting Clarke D. Forsythe, *Homicide of the Unborn Child: The Born Alive Rule and Other Legal Anachronisms*, 21 VAL. U. L. REV. 563, 567 (1987)).

³ *Id.* at 6 (quoting Forsythe, *supra* note 2, at 569).

⁴ *Id.*

Due to the advancement in technology and challenges to the born alive rule, many state legislatures have enacted changes to their criminal laws to provide a criminal penalty for crimes against unborn children. Although many jurisdictions began enacting such laws, some people felt that no protection existed for an unborn victim of a federal crime.⁵

Federal Unborn Victims of Violence Act⁶

The Unborn Victims of Violence Act (UVVA or act), signed into law on April 1, 2004, establishes a separate offense for harming or killing an unborn child during the commission of specified crimes.⁷ Under the act, any person who injures or kills a “child in utero” during the commission of certain specified crimes is guilty of an offense separate from one involving the pregnant woman. Punishment for the separate offense is the same as if the offense had been committed against the pregnant woman. In addition, an offense does not require proof that the person engaging in the misconduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant, or that the defendant intended to cause the death of, or bodily injury to, the child in utero. The term “child in utero” is defined by the act to mean “a member of the species homo sapiens, at any stage of development, who is carried in the womb.” The death penalty is not applicable to an offense under the UVVA.⁸

There are three specific exclusions from the application of the UVVA:

- Persons conducting consensual, legal abortions;
- Persons conducting any medical treatment of the pregnant woman or unborn child; and
- Any woman with respect to her unborn child.

The federal law was recently used in a Florida case to prosecute a man who tricked his pregnant girlfriend into taking a drug which caused her to lose their baby. John Andrew Welden pled guilty to mail fraud and product tampering. He will be sentenced in federal court on December 5, 2013.⁹

Other State Laws

Currently, 38 states, have fetal homicide laws. The states include: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and

⁵ Jon O. Shimabukuro, *The Unborn Victims of Violence Act*, CRS Report for Congress (May 21, 2004), available at http://assets.opencrs.com/rpts/RS21550_20040521.pdf (last visited March 14, 2013).

⁶ The information in this section of the Present Situation of this bill analysis is from the CRS Report for Congress. *Id.*

⁷ See 18 U.S.C. s. 1841 and 10 U.S.C. s. 919a.

⁸ 18 U.S.C. s. 1841(a)(2)(D).

⁹ Tampa Bay Times, John Andrew Welden pleads guilty in Tampa abortion pill case, September 9, 2013.

<http://www.tampabay.com/news/courts/criminal/john-andrew-welden-pleads-guilty>.

Wisconsin. Twenty-three of those 38 states have laws that apply to the earliest stages of pregnancy (“any state of gestation,” “conception,” “fertilization,” or “post-fertilization”).¹⁰

Florida Law

Section 782.09, F.S., holds a criminal defendant equally accountable for the death of an unborn quick child as he or she would be if the mother or any other person died as a result of the defendant’s actions. The homicide crimes included in this section are first degree (capital) murder, second degree murder, third degree murder, and manslaughter. For purposes of defining “unborn quick child,” this statute references the definition of “viable fetus” in s. 782.071, F.S.

Section 782.071, F.S., which is Florida’s vehicular homicide statute, holds a defendant equally accountable for the death of a viable fetus as for the death of the mother or any other person killed as a result of the defendant’s actions. Section 316.193, F.S., provides that a defendant who kills an unborn quick child as a result of committing DUI manslaughter is equally as culpable as if he or she killed any other human being. For purposes of defining “unborn quick child,” the statute references the definition of “viable fetus” in s. 782.071, F.S.

The term “viable fetus” is defined in s. 782.071(2), F.S., which states: “a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.”¹¹

In 1989, the Florida Supreme Court stated that “the potentiality of life in the fetus becomes compelling at the point in time when the fetus becomes viable.”¹² Further, the court provided the following definition of viability:

Viability under Florida law occurs at that point in time when the fetus becomes capable of meaningful life outside the womb through standard medical measures. Under current standards, this point generally occurs upon completion of the second trimester. [N]o medical evidence exists indicating that technological improvements will move viability forward beyond twenty-three to twenty-four weeks gestation within the foreseeable future due to the anatomic threshold of fetal development.¹³

Although Florida law uses the definition of “viable fetus” to define “unborn quick child,” the specific term “unborn quick child” is not defined in statute similarly to how it has been defined by the courts. In *Stokes v. Liberty Mutual Insurance Co.*, the Florida Supreme Court used a medical dictionary definition of “quick” in its analysis of a wrongful death claim. This term was defined as follows: Pregnant with a child the movement of which is felt.¹⁴ However, Justice Ervin offered a different definition of “quick child” in a concurring opinion in a case overturning a conviction for unlawful abortion. Specifically, Justice Ervin said that a woman is pregnant with a quick child “when the embryo (has) advanced to that degree of maturity where the child had a

¹⁰ National Conference of State Legislatures, *Fetal Homicide Laws*, <http://www.ncsl.org/issues-research/health/fetal-homicide-state-laws.aspx>. Last visited on October 25, 2013.

¹¹ The term “viable fetus” is commonly used in abortion case law.

¹² *In re T.W.*, 551 So. 2d 1186, 1193 (Fla. 1989)

¹³ *Id.* at 1194 (internal citation omitted).

¹⁴ *Stokes v. Liberty Mutual Insurance Co.*, 213 So. 2d 695, 697 (Fla. 1968)

separate and independent existence, and the woman has herself felt the child alive and quick within her.”¹⁵

III. Effect of Proposed Changes:

Section 1 of SB 162 provides a short title for the bill, the Florida Unborn Victims of Violence Act.

The bill adds a subsection to s. 775.021, F.S., related to the rules of construction for the Florida Criminal Code, that defines “unborn child” to mean any member of the species *Homo sapiens* at any stage of development who is carried in the womb.

The bill states that anyone who commits a crime that causes bodily injury to or death of an unborn child commits a separate offense from any other offenses.

Offenses that result in death or injury committed against an unborn child are punishable the same as if the crime is committed against a member of the species *Homo sapiens* who exists outside the womb. However, the bill provides that the death penalty may not be imposed for an offense against an unborn child.

The bill states that an offense against an unborn child does not require proof that the perpetrator had or should have had knowledge of the pregnancy or that he or she intended to cause death or harm to the child. This removes the intent element from any crime against an unborn child.

The new subsection does not permit the prosecution of:

- Any person for conduct relating to an abortion for which the woman or her legal representative gave permission, or for which there was lawfully implied consent;
- Any person giving medical treatment to a pregnant woman or her unborn child; or
- Any woman with respect to her unborn child.

The bill amends s. 316.193, F.S., Driving Under the Influence, to change any current references to “unborn quick child” to simply “unborn child.” It also provides a cross-reference to the definition of “unborn child” which the bill adds to s. 775.021, F.S.

Section 435.05, F.S., concerning employment screening, is likewise amended to change the term “unborn quick child” to “unborn child.”

Section 782.071, F.S., the Vehicular Homicide statute, is amended to define “vehicular homicide” as the killing of a human being or of an unborn child (rather than of a viable fetus) by an injury to the mother. It also provides a cross-reference to the definition of “unborn child” which the bill adds to s. 775.021, F.S.

¹⁵ *Walsingham v. State*, 250 So. 2d 857 (Fla. 1971) (Ervin, J., specially concurring) (quoting *State v. Steadman*, 51 S.E.2d 91, 93 (1948)).

Under current law, s. 782.071(3), F.S., creates a specific right of action for civil damages under s. 768.19, F.S., “under all circumstances, for all deaths” described in the vehicular homicide statute. The bill may necessarily increase the number of wrongful death claims due to the change in the vehicular homicide law which eliminates the need to prove the viability or length of a pregnancy.

The bill amends s. 782.09, F.S., which currently prohibits the unlawful killing of an unborn child by injuries to the mother, to change all references to “unborn quick child” to “unborn child.” It also provides a cross-reference to the definition of “unborn child” which the bill adds to s. 775.021, F.S.

The bill amends s. 921.022(3)(g), F.S., Level 7 of the Criminal Punishment Code, to change the current reference to “viable fetus” to “unborn child” to correspond with changes the bill makes related to vehicular homicide.

The bill has an effective date of October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This bill eliminates the use of the terms “unborn quick child” and “viable fetus” within Florida’s criminal laws, and replaces them with “unborn child.” The bill provides that an “unborn child” is “a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.” This is the same definition used in the federal Unborn Victims of Violence Act (UVVA or act).

Similarly, Illinois’ and Minnesota’s prenatal criminal laws mirror the UVVA. Courts in Illinois and Minnesota have addressed the constitutionality of their state’s prenatal criminal laws and have declined to invalidate them. Although it cannot be known how Florida courts would interpret and apply the changes made by this bill, an examination of the cases from Illinois and Minnesota may provide some guidance as to how a court in Florida may consider a similar case.

In *State v. Merrill*, 450 N.W.2d 318 (Minn. 1990), the Minnesota Supreme Court concluded that the state’s unborn child homicide statutes did not violate the Equal

Protection Clause of the Fourteenth Amendment of the U.S. Constitution and were not unconstitutionally vague. Merrill shot a woman who was pregnant with a 27- or 28-day-old embryo. With respect to his equal protection claim, Merrill argued that the statutes subjected him to prosecution for ending a pregnancy while allowing a pregnant woman to terminate a nonviable fetus or embryo without criminal consequences. Merrill contended that the statutes treated similarly situated persons differently.

The court rejected Merrill's equal protection claim on the grounds that the defendant and a pregnant woman are not similarly situated: "The defendant who assaults a pregnant woman causing the death of the fetus she is carrying destroys the fetus without the consent of the woman. This is not the same as the woman who elects to have her pregnancy terminated by one legally authorized to perform the act." Unlike the assailant who has no right to kill a fetus, the pregnant woman has a right to decide to terminate her pregnancy. The actions of the woman's doctor are based on the woman's constitutionally protected rights under *Roe v. Wade*.¹⁶

Merrill advanced two arguments for finding the statutes to be unconstitutionally vague. First, he contended that the statutes failed to give fair warning of the prohibited conduct. Merrill maintained that it was unfair to punish an assailant for the murder of an unborn child when neither he nor the pregnant woman may be aware of the pregnancy. However, the court found that the statutes provided fair warning based on the doctrine of transferred intent. The court noted that even if the offender did not intend to kill a particular victim, he should have fair warning that he would be held criminally accountable given that the same type of harm would result if another victim was killed.

Merrill's second argument was that the statutes encouraged arbitrary and discriminatory enforcement by using the phrase "cause the death of an unborn child"¹⁷ to identify prohibited conduct without actually defining when death may occur. Merrill believed that the failure to identify when death occurs for the unborn child would result in judges and juries providing their own definitions. Moreover, Merrill asserted that because an embryo is not alive, it could not experience death.

The court determined that to have life means "to have the property of all living things to grow, to become." The court avoided the question of whether the unborn child should be considered a person or human being. Instead, the court observed that criminal liability "requires only that the embryo be a living organism that is growing into a human being. Death occurs when the embryo is no longer living, when it ceases to have the properties of life." Thus, the trier of fact would simply have to determine whether an assailant's acts caused the embryo or unborn child to stop growing or stop showing the properties of life.

In *People v. Ford*, 581 N.E.2d 1189 (Ill. App. Ct. 1991), the Fourth District Appellate Court of Illinois concluded similarly that the state's fetal homicide statute did not violate the Equal Protection Clause of the Fourteenth Amendment and was not unconstitutionally

¹⁶ *Roe v. Wade*, 410 U.S. 113 (1973).

¹⁷ Minnesota defines "unborn child" as "the unborn offspring of a human being conceived, but not yet born." See M.S.A. s. 609.266.

vague. Like in *Merrill*, Ford argued that the statute treated similarly situated people differently. While a pregnant woman could terminate her nonviable fetus without punishment, an assailant would face criminal penalties for killing such a fetus. Following the Minnesota Supreme Court, the Illinois court found that the defendant and a pregnant woman are not similarly situated. In addition, the court determined that the statute could be upheld as rationally related to a legitimate governmental purpose. Because the statute did not affect a fundamental right held by the defendant, and because it did not discriminate against a suspect class, the validity of the statute could be considered under the rational basis standard of review. The court concluded that the statute was rationally related to a legitimate governmental interest in protecting the potentiality of human life.

Ford's vagueness argument focused on the statute's use of the phrase "cause the death of an unborn child."¹⁸ Ford contended that the absence of statutory definitions for when life begins and death occurs would result in the application of subjective definitions by the trier of fact, and lead to the arbitrary and discriminatory enforcement of the statute. Citing *Merrill*, the court maintained that the trier of fact would be required only to determine whether there was an embryo or fetus that was growing into a human being, and whether because of the acts of an assailant, that growing was stopped. The statute did not require the trier of fact to apply its subjective views.

Finally, Ohio's prenatal criminal legislation was challenged on Eighth Amendment grounds in *Coleman v. DeWitt*, 282 F.3d 908 (6th Cir. 2002). The Eighth Amendment not only protects individuals from cruel and unusual punishment, but also from sentences that are disproportionate to the committed crime. The United States Supreme Court set out a three-prong test for determining whether a sentence is disproportionate.¹⁹ The first prong requires an examination of the gravity of the offense and the harshness of the penalty given. The second prong compares the defendant's sentence to the sentences of other criminals in the same jurisdiction convicted of the same offense. The final prong requires the court to examine how the same crime is treated in other jurisdictions.²⁰

The court in *Coleman*, found that the defendant's sentence was not grossly disproportionate to the crime committed and therefore did not violate the Eighth Amendment. Specifically, the court held:

Coleman's sentence of nine years for involuntary manslaughter is far from the "gross disproportionality" required to offend the Eighth Amendment. Coleman's actions were violent and deprived Williams of her child, or at least the ability to exercise her rights over her pregnancy. At least as important as a woman's right to terminate her pregnancy is her right to choose to carry her child to term. In a jurisprudence that finds mandatory life sentences for the non-violent possession of cocaine constitutionally permissible, we would be hard-pressed to find nine years for Coleman's violent act beyond the constitutional pale. Indeed, the Supreme Court has

¹⁸ Illinois defines "unborn child" as "any individual of the human species from fertilization until birth." See 720 ICS 5/9-1.2.

¹⁹ See *Solem v. Helm*, 463 U.S. 277 (1983).

²⁰ Falvey, Jr., *supra* note 1, at 24.

never held unconstitutional a sentence less severe than life imprisonment without the possibility of parole.²¹

One legal scholar has also done a more extensive analysis on whether a constitutional challenge against the UVVA would survive or not. This scholar found that prosecutions under the UVVA do not appear to constitute cruel and unusual punishment in violation of the Eighth Amendment.²²

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Perpetrators of crimes against unborn children at any stage of development may be prosecuted.

C. Government Sector Impact:

The Criminal Justice Impact Conference has not met to discuss this particular bill; however, when the Conference considered an identical bill on February 27, 2013, it determined that the bill would have an indeterminate impact upon the Department of Corrections.²³

Likewise related to an identical bill filed during the 2013 Legislative Session, the Florida Prosecuting Attorney's Association submitted the following explanation regarding potential fiscal impact to the state attorneys: "The change in definition has the potential for an additional workload for the prosecutors especially in DUI Manslaughters, Agg Batteries and Domestic Batteries, etc. This type of case may require expenditure of tax dollars for experts on cause of death of the 'unborn' child as we will need to show direct connection between the act and 'unborn' child's death with no intervening factors such as mother's health, care, etc."²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²¹ *Coleman*, 282 F.3d at 915 (internal citations omitted).

²² *See* Falvey, Jr., *supra* note 1, at 17, 24-27.

²³ Criminal Justice Impact Conference, *Impact of SB 876- Offenses Against Unborn Children*. A copy is on file with the Senate Health Policy Committee.

²⁴ Florida Prosecuting Attorney's Association, projected fiscal impact, March 4, 2013. On file with Senate Criminal Justice Committee staff.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Stargel

15-00115-14

2014162__

A bill to be entitled

An act relating to offenses against unborn children; providing a short title; amending s. 775.021, F.S.; providing a rule of construction that a person who engages in conduct that violates any provision of the Florida Criminal Code or of a criminal offense defined by another statute and causes the death of, or bodily injury to, an unborn child commits a separate offense if such an offense is not otherwise specifically provided for; providing for criminal penalties for such an offense; specifying that certain types of knowledge or intent are not necessary for such an offense; providing exceptions; providing a definition; amending ss. 316.193, 435.04, 782.071, 782.09, and 921.0022, F.S.; defining and substituting the term "unborn child" for similar terms used in provisions relating to driving under the influence, employment background screening standards, vehicular homicide, the killing of an unborn quick child by injury to the child's mother, and the offense severity ranking chart of the Criminal Punishment Code, respectively; conforming terminology; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Florida Unborn Victims of Violence Act."

Section 2. Subsection (5) is added to section 775.021, Florida Statutes, to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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775.021 Rules of construction.—

(5) Whoever commits an act that violates any provision of this code or commits a criminal offense defined by another statute and thereby causes the death of, or bodily injury to, an unborn child commits a separate offense if the provision or statute does not otherwise specifically provide a separate offense for such death or injury to an unborn child.

(a) Except as otherwise provided in this subsection, the punishment for a separate offense under this subsection is the same as the punishment provided under this code or other statute for that conduct had the injury or death occurred to the mother of the unborn child.

(b) An offense under this subsection does not require proof that the person engaging in the conduct:

1. Had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

2. Intended to cause the death of, or bodily injury to, the unborn child.

(c) Notwithstanding any other provision of law, the death penalty may not be imposed for an offense under this subsection.

(d) This subsection does not permit the prosecution:

1. Of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

2. Of any person for any medical treatment of the pregnant woman or her unborn child; or

3. Of any woman with respect to her unborn child.

(e) As used in this subsection, the term "unborn child"

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means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

Section 3. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being or unborn ~~quick~~ child commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

For purposes of this subsection, the ~~definition of the~~ term "unborn ~~quick~~ child" has the same meaning as provided in s.

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~~775.021(5) shall be determined in accordance with the definition of viable fetus as set forth in s. 782.071.~~ A person who is convicted of DUI manslaughter shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 4. Paragraph (g) of subsection (2) of section 435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(g) Section 782.09, relating to killing of an unborn ~~quick~~ child by injury to the mother.

Section 5. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—"Vehicular homicide" is the killing of a human being, or the killing of an unborn child ~~a viable fetus~~ by an ~~any~~ injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another.

(1) Vehicular homicide is:

(a) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A felony of the first degree, punishable as provided in

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s. 775.082, s. 775.083, or s. 775.084, if:

1. At the time of the accident, the person knew, or should have known, that the accident occurred; and

2. The person failed to give information and render aid as required by s. 316.062.

This paragraph does not require that the person knew that the accident resulted in injury or death.

(2) For purposes of this section, the term "unborn child" has the same meaning as provided in s. 775.021(5) ~~a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.~~

(3) A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.

(4) In addition to any other punishment, the court may order the person to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

Section 6. Section 782.09, Florida Statutes, is amended to read:

782.09 Killing of unborn ~~quick~~ child by injury to mother.—

(1) The unlawful killing of an unborn ~~quick~~ child, by an ~~any~~ injury to the mother of the such child which would be murder if it resulted in the death of the such mother, shall be deemed murder in the same degree as that which would have been

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committed against the mother. A ~~Any~~ person, other than the mother, who unlawfully kills an unborn ~~quick~~ child by any injury to the mother:

(a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother's death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

(b) Which would be murder in the second degree if it resulted in the mother's death commits murder in the second degree, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Which would be murder in the third degree if it resulted in the mother's death commits murder in the third degree, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The unlawful killing of an unborn ~~quick~~ child by any injury to the mother of the such child which would be manslaughter if it resulted in the death of the such mother shall be deemed manslaughter. A person who unlawfully kills an unborn ~~quick~~ child by any injury to the mother which would be manslaughter if it resulted in the mother's death commits manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The death of the mother resulting from the same act or criminal episode that caused the death of the unborn ~~quick~~ child does not bar prosecution under this section.

(4) This section does not authorize the prosecution of any person in connection with a termination of pregnancy pursuant to chapter 390.

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(5) For purposes of this section, the ~~definition of the~~
term "unborn ~~quick~~ child" has the same meaning as provided in s.
775.021(5) ~~shall be determined in accordance with the definition~~
~~of viable fetus as set forth in s. 782.071.~~

Section 7. Paragraph (g) of subsection (3) of section
921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking
chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol

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vehicle with siren and
lights activated.

327.35(3)(c)2. 3rd Vessel BUI resulting in
serious bodily injury.

402.319(2) 2nd Misrepresentation and
negligence or intentional
act resulting in great
bodily harm, permanent
disfiguration, permanent
disability, or death.

409.920 3rd Medicaid provider fraud;
(2)(b)1.a. \$10,000 or less.

409.920 2nd Medicaid provider fraud;
(2)(b)1.b. more than \$10,000, but
less than \$50,000.

456.065(2) 3rd Practicing a health care
profession without a
license.

456.065(2) 2nd Practicing a health care
profession without a
license which results in
serious bodily injury.

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	15-00115-14		2014162__
	458.327(1)	3rd	Practicing medicine without a license.
196			
	459.013(1)	3rd	Practicing osteopathic medicine without a license.
197			
	460.411(1)	3rd	Practicing chiropractic medicine without a license.
198			
	461.012(1)	3rd	Practicing podiatric medicine without a license.
199			
	462.17	3rd	Practicing naturopathy without a license.
200			
	463.015(1)	3rd	Practicing optometry without a license.
201			
	464.016(1)	3rd	Practicing nursing without a license.
202			
	465.015(2)	3rd	Practicing pharmacy without a license.
203			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a

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	15-00115-14		2014162__
			license.
204			
	467.201	3rd	Practicing midwifery without a license.
205			
	468.366	3rd	Delivering respiratory care services without a license.
206			
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
207			
	483.901(9)	3rd	Practicing medical physics without a license.
208			
	484.013(1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
209			
	484.053	3rd	Dispensing hearing aids without a license.
210			
	494.0018(2)	1st	Conviction of any violation of ss. 494.001- 494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there

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211 were five or more victims.

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

212 560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

213 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

214 775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver ~~driver's~~ license or identification card; other registration violations.

215 775.21(10)(b) 3rd Sexual predator working where children regularly

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216 congregated.

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

217 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

218 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

219 782.071 2nd Killing of a human being or unborn child ~~viable fetus~~ by the operation of a motor vehicle in a reckless manner (vehicular homicide).

220 782.072 2nd Killing of a human being by the operation of a vessel in a reckless

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	15-00115-14		2014162__	manner (vessel homicide).
221	784.045(1)(a)1.	2nd		Aggravated battery; intentionally causing great bodily harm or disfigurement.
222	784.045(1)(a)2.	2nd		Aggravated battery; using deadly weapon.
223	784.045(1)(b)	2nd		Aggravated battery; perpetrator aware victim pregnant.
224	784.048(4)	3rd		Aggravated stalking; violation of injunction or court order.
225	784.048(7)	3rd		Aggravated stalking; violation of court order.
226	784.07(2)(d)	1st		Aggravated battery on law enforcement officer.
227	784.074(1)(a)	1st		Aggravated battery on sexually violent predators facility staff.
228	784.08(2)(a)	1st		Aggravated battery on a

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	15-00115-14		2014162__	person 65 years of age or older.
229	784.081(1)	1st		Aggravated battery on specified official or employee.
230	784.082(1)	1st		Aggravated battery by detained person on visitor or other detainee.
231	784.083(1)	1st		Aggravated battery on code inspector.
232	787.06(3)(a)	1st		Human trafficking using coercion for labor and services.
233	787.06(3)(e)	1st		Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
234	790.07(4)	1st		Specified weapons violation subsequent to previous conviction of s.

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	15-00115-14		2014162__
			790.07(1) or (2).
235	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
236	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
237	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
238	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
239	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
240	790.23	1st,PBL	Possession of a firearm by

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	15-00115-14		2014162__
			a person who qualifies for the penalty enhancements provided for in s. 874.04.
241	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
242	796.03	2nd	Procuring any person under 16 years for prostitution.
243	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
244	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
245	806.01(2)	2nd	Maliciously damage structure by fire or

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explosive.

246 810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

247 810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

248 810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

249 810.02(3)(e) 2nd Burglary of authorized emergency vehicle.

250 812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

251 812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in

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2nd degree.

252 812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

253 812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

254 812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

255 812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

256 812.131(2)(a) 2nd Robbery by sudden snatching.

257 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

258 817.034(4)(a)1. 1st Communications fraud,

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	15-00115-14		2014162__	
			value greater than	
			\$50,000.	
259	817.234 (8) (a)	2nd	Solicitation of motor	
			vehicle accident victims	
			with intent to defraud.	
260	817.234 (9)	2nd	Organizing, planning, or	
			participating in an	
			intentional motor vehicle	
			collision.	
261	817.234 (11) (c)	1st	Insurance fraud; property	
			value \$100,000 or more.	
262	817.2341	1st	Making false entries of	
	(2) (b) & (3) (b)		material fact or false	
			statements regarding	
			property values relating	
			to the solvency of an	
			insuring entity which are	
			a significant cause of the	
			insolvency of that entity.	
263	817.535 (2) (a)	3rd	Filing false lien or other	
			unauthorized document.	
264	825.102 (3) (b)	2nd	Neglecting an elderly	
			person or disabled adult	

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	15-00115-14		2014162__	
			causing great bodily harm,	
			disability, or	
			disfigurement.	
265	825.103 (2) (b)	2nd	Exploiting an elderly	
			person or disabled adult	
			and property is valued at	
			\$20,000 or more, but less	
			than \$100,000.	
266	827.03 (2) (b)	2nd	Neglect of a child causing	
			great bodily harm,	
			disability, or	
			disfigurement.	
267	827.04 (3)	3rd	Impregnation of a child	
			under 16 years of age by	
			person 21 years of age or	
			older.	
268	837.05 (2)	3rd	Giving false information	
			about alleged capital	
			felony to a law	
			enforcement officer.	
269	838.015	2nd	Bribery.	
270	838.016	2nd	Unlawful compensation or	
			reward for official	

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	15-00115-14		2014162__
			behavior.
271	838.021(3)(a)	2nd	Unlawful harm to a public servant.
272	838.22	2nd	Bid tampering.
273	843.0855(2)	3rd	Impersonation of a public officer or employee.
274	843.0855(3)	3rd	Unlawful simulation of legal process.
275	843.0855(4)	3rd	Intimidation of a public officer or employee.
276	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
277	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
278	872.06	2nd	Abuse of a dead human body.
279	874.05(2)(b)	1st	Encouraging or recruiting

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	15-00115-14		2014162__
			person under 13 to join a criminal gang; second or subsequent offense.
280	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
281	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
282	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b),

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	15-00115-14		(1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
283	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
284	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
285	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
286	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
287	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
288			

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	15-00115-14		2014162__ 893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
289	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
290	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
291	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
292	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
293	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
294	893.1351 (2)	2nd	Possession of place for

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	15-00115-14		2014162__	
			trafficking in or manufacturing of controlled substance.	
295	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
296	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
297	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	
298	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	
299	943.0435(9) (a)	3rd	Sexual offender; failure to comply with reporting	

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	15-00115-14		2014162__	
			requirements.	
300	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
301	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
302	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.	
303	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
304	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
305	944.607(13)	3rd	Sexual offender; failure to report and reregister;	

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failure to respond to
address verification.

306

985.4815(10)

3rd

Sexual offender; failure
to submit to the taking of
a digitized photograph.

307

985.4815(12)

3rd

Failure to report or
providing false
information about a sexual
offender; harbor or
conceal a sexual offender.

308

985.4815(13)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to
address verification.

309

310

311

Section 8. This act shall take effect October 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/2013
Meeting Date

Topic Offenses Against Unborn Children

Bill Number 162
(if applicable)

Name PAMELA BURCH FORT

Amendment Barcode _____
(if applicable)

Job Title _____

Address 104 S. Monroe Street
Street
Tallahassee FL 32301
City State Zip

Phone 850-425-1344

E-mail TcgLobby@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing ACLU OF FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

11-4-2013

Date

162

Bill Number

Barcode

Name Brian Pitts

Phone 727/897-9291

Address 1119 Newton Avenue South

E-mail justice2jesus@yahoo.com

Street

St. Petersburg

FL

State

33705

Zip

Job Title Trustee

Speaking: ☐ For ☐ Against ☒ Information

Appearing at request of Chair ☐

Subject _____

Representing Justice-2-Jesus

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Subcommittee on General
Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Community Affairs
Education

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL

15th District



October 8, 2013

The Honorable Greg Evers
Senate Criminal Justice Committee, Chair
308 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Evers:

I am respectfully requesting that SB 162, related to *Offenses Against Unborn Children*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

Kelli Stargel
Senator, District 15

Cc: Amanda Cannon/ Staff Director
Sue Arnold/ AA

REPLY TO:

- ☐ 902 S. Florida Avenue, Suite 102, Lakeland, Florida 33803
- ☐ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 238

INTRODUCER: Criminal Justice Committee and Senator Joyner

SUBJECT: Public Records/Names of Spouses and Children of Public Defenders and Criminal Conflict and Civil Regional Counsel

DATE: November 4, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.			GO	
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/>	Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/>	Technical amendments were recommended
	<input type="checkbox"/>	Amendments were recommended
	<input type="checkbox"/>	Significant amendments were recommended

I. Summary:

CS/SB 238 expands an existing public records exemption for certain personal identification and location information of current and former public defenders, of current and former criminal conflict and civil regional counsel, and of the spouses and children of such defenders and counsel. The exemption would also protect the *names* of such spouses and children.

The expanded exemption is subject to the Open Government Sunset Review Act and will repeal on October 2, 2019, unless reviewed and saved from repeal by the Legislature.

The bill contains a statement of public necessity as required by the Florida Constitution.

Because this bill expands a public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for passage.

This bill amends section 119.071 of the Florida Statutes.

II. Present Situation:

Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.²

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act³ guarantees every person's right to inspect and copy any state or local government public record⁴ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵

Only the Legislature may create an exemption to public records requirements.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

The Open Government Sunset Review Act¹⁰ requires a newly created or expanded public records exemption to be repealed on October 2 of the fifth year after enactment, unless reviewed and reenacted by the Legislature.¹¹ It further provides that a public records exemption may be created

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Chapter 119, F.S.

⁴ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁵ Section 119.07(1)(a), F.S.

⁶ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion* 85-62, August 1, 1985).

⁷ FLA. CONST., art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ Section 119.15, F.S.

¹¹ Section 119.15(3), F.S.

or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet the public purpose it serves.¹²

Current Exemptions Relating to Agency Personnel in s. 119.071(4)(d), F.S.

Section 119.071(4)(d), F.S., currently provides public records exemptions for specified personal identifying and locating information of the following current and former agency personnel, as well as for specified personal identifying and locating information of their spouses and children, including the following:

- Law enforcement and specified agency investigative personnel;¹³
- Certified firefighters;
- Justices and judges;
- Local and statewide prosecuting attorneys;
- Magistrates, administrative law judges, and child support hearing officers;
- Local government agency and water management district human resources administrators;
- Code enforcement officers;
- Guardians ad litem;
- Department of Juvenile Justice direct-care personnel;
- Public defenders and criminal conflict and civil regional counsel;
- Department of Business and Professional Regulation investigators and inspectors; and
- County tax collectors.

Although there is some inconsistency among the types of information exempted,¹⁴ all of the exemptions protect the following information:

- The home addresses and telephone numbers of the agency personnel;
- The home addresses, telephone numbers, and places of employment of the spouses and children of the agency personnel; and
- The names and locations of schools and day care facilities attended by the children of the agency personnel.

Eight of the exemptions protect the *names* of the following agency personnel's spouses and children:

- Local government agency and water management district human resources administrators;
- Code enforcement officers;
- Guardians ad Litem;
- Department of Juvenile Justice direct-care personnel;

¹² Section 119.15(5)(b), F.S.

¹³ Included in this category are the following: active or former sworn or civilian law enforcement personnel, including Department of Corrections officers and correctional probation officers, Department of Children and Families abuse and exploitation investigators, Department of Health child abuse investigators, and Department of Revenue collection and enforcement personnel.

¹⁴ Some of the exemptions also protect photographs, dates of birth, and names of agency personnel and their spouses and children.

- Department of Business and Professional Regulation inspectors and investigators;
- County tax collectors;
- Law enforcement and specified agency investigative personnel and
- Local and statewide prosecuting attorneys.

The public necessity statements for these agency personnel public-records exemptions suggest that the persons engaged in the specified occupations are at risk of becoming objects of public ire. The specified occupations require decisions, actions, or information-sharing that could elicit significant emotional reactions from the public. In extreme instances, those emotional reactions could lead to acts of violence against the agency personnel and their families.

Public Defenders and Criminal Conflict and Civil Regional Counsel

Public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are appointed by the courts to represent defendants in criminal cases. Criminal conflict and civil regional counsel also represent clients in matters before the courts involving alleged child abuse, alleged child neglect, and potential termination of parental rights.

Clients of public defenders and criminal conflict and civil regional counsel have a great deal at stake in the outcome of their legal matters, which can lead to violent outbursts. According to the Offices of the Public Defender, past such outbursts have included battery and threats of physical harm.

III. Effect of Proposed Changes:

The bill expands the public records exemption for personal identification and location information of current and former public defenders, of current and former criminal conflict and civil regional counsel, and of the spouses and children of such defenders and counsel to also protect the *names* of the spouses and children.

The bill provides for repeal of the expanded portion of the exemption on October 2, 2019, unless reviewed and saved from repeal by the Legislature.

It also provides a statement of public necessity as required by the Florida Constitution. The statement of public necessity concludes that the people with whom public defenders and regional counsel have contact may seek to harm their spouses and children; therefore, the exemption is warranted.

The bill's effective date is October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the Florida Constitution requires a newly created or expanded public records or open meetings exemption to pass by a two-thirds vote of the members present and voting in each house of the Legislature. Because this bill expands a public records exemption, a two-thirds vote is required.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain a public necessity statement. Because this bill expands a public records exemption, it contains a public necessity statement.

Single Subject Requirement

Article I, s. 24(c) of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain no other substantive provisions. Because this bill expands a public records exemption, it does not contain other substantive provisions.

Breadth of Exemption

Article I, s. 24(c) of the Florida Constitution requires a newly created or expanded public records or open meetings exemption to be no broader than necessary to accomplish the stated purpose of the law. This bill expands a public records exemption by including the names of spouses and children of specified agency personnel in the existing exemption that protects certain personal and identifying information. The public necessity statement provides that the exemption is necessary to protect those current and former public defenders and current and former criminal conflict and civil regional counsel, who because of their job responsibilities often come into close contact with persons who may want to harm them or their families. The public necessity statement further provides that the harm of releasing the names of spouses and children outweighs the public benefit of disclosing them.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could create a minimal impact on agencies, because staff responsible for complying with public records requests could require training related to the changes in the exemption. The costs should be absorbed, however, as they are part of the day-to-day responsibilities of the agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on November 4, 2013:

The CS includes a more complete description of the volatile nature of the work of criminal conflict and regional counsel in the statement of public necessity.

B. Amendments:

None.



509154

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/04/2013	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Smith) recommended the following:

Senate Amendment

Delete lines 234 - 240

and insert:

These attorneys also interact with the victims of crime.

Allowing access to the names of the spouses and children of

current or former public defenders, assistant public defenders,

criminal conflict and civil regional counsel, and assistant

criminal conflict and civil regional counsel provides a means by

which individuals who have been investigated, arrested,



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11 interrogated, or incarcerated can identify and cause physical or
12 emotional harm to these spouses and children. In addition,
13 criminal conflict and civil regional counsel and their
14 assistants provide representation in sensitive civil matters,
15 such as those in which a person's parental rights may be
16 terminated based on allegations of perpetrating abuse and
17 neglect against a child. By providing legal representation in
18 criminal and civil matters, these attorneys provide a valuable
19 service. The Legislature

By Senator Joyner

19-00365-14

2014238__

A bill to be entitled

An act relating to public records; amending s.

119.071, F.S.; creating an exemption from public

records requirements for the names of the spouses and

children of current or former public defenders,

assistant public defenders, criminal conflict and

civil regional counsel, and assistant criminal

conflict and civil regional counsel; providing for

future review and repeal of the exemption; providing a

statement of necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (4) of section

119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of
public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term "telephone
numbers" includes home telephone numbers, personal cellular
telephone numbers, personal pager telephone numbers, and
telephone numbers associated with personal communications
devices.

2.a.(I) The home addresses, telephone numbers, social
security numbers, dates of birth, and photographs of active or
former sworn or civilian law enforcement personnel, including
correctional and correctional probation officers, personnel of
the Department of Children and Families whose duties include the
investigation of abuse, neglect, exploitation, fraud, theft, or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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other criminal activities, personnel of the Department of Health
whose duties are to support the investigation of child abuse or
neglect, and personnel of the Department of Revenue or local
governments whose responsibilities include revenue collection
and enforcement or child support enforcement; the home
addresses, telephone numbers, social security numbers,
photographs, dates of birth, and places of employment of the
spouses and children of such personnel; and the names and
locations of schools and day care facilities attended by the
children of such personnel are exempt from s. 119.07(1).

(II) The names of the spouses and children of active or
former sworn or civilian law enforcement personnel and the other
specified agency personnel identified in sub-sub-subparagraph
(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
State Constitution.

(III) Sub-sub-subparagraph (II) is subject to the Open
Government Sunset Review Act in accordance with s. 119.15, and
shall stand repealed on October 2, 2018, unless reviewed and
saved from repeal through reenactment by the Legislature.

b. The home addresses, telephone numbers, dates of birth,
and photographs of firefighters certified in compliance with s.
633.408; the home addresses, telephone numbers, photographs,
dates of birth, and places of employment of the spouses and
children of such firefighters; and the names and locations of
schools and day care facilities attended by the children of such
firefighters are exempt from s. 119.07(1).

c. The home addresses, dates of birth, and telephone
numbers of current or former justices of the Supreme Court,
district court of appeal judges, circuit court judges, and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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county court judges; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1).

d.(I) The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(II) The names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(III) Sub-sub-subparagraph (II) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

e. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of

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compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer provides a written statement that the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer has made reasonable efforts to protect such information from being accessible through other means available to the public.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses,

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117 telephone numbers, dates of birth, and places of employment of
118 the spouses and children of such personnel; and the names and
119 locations of schools and day care facilities attended by the
120 children of such personnel are exempt from s. 119.07(1) and s.
121 24(a), Art. I of the State Constitution.

122 g. The home addresses, telephone numbers, dates of birth,
123 and photographs of current or former code enforcement officers;
124 the names, home addresses, telephone numbers, dates of birth,
125 and places of employment of the spouses and children of such
126 personnel; and the names and locations of schools and day care
127 facilities attended by the children of such personnel are exempt
128 from s. 119.07(1) and s. 24(a), Art. I of the State
129 Constitution.

130 h. The home addresses, telephone numbers, places of
131 employment, dates of birth, and photographs of current or former
132 guardians ad litem, as defined in s. 39.820; the names, home
133 addresses, telephone numbers, dates of birth, and places of
134 employment of the spouses and children of such persons; and the
135 names and locations of schools and day care facilities attended
136 by the children of such persons are exempt from s. 119.07(1) and
137 s. 24(a), Art. I of the State Constitution, if the guardian ad
138 litem provides a written statement that the guardian ad litem
139 has made reasonable efforts to protect such information from
140 being accessible through other means available to the public.

141 i. The home addresses, telephone numbers, dates of birth,
142 and photographs of current or former juvenile probation
143 officers, juvenile probation supervisors, detention
144 superintendents, assistant detention superintendents, juvenile
145 justice detention officers I and II, juvenile justice detention

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146 officer supervisors, juvenile justice residential officers,
147 juvenile justice residential officer supervisors I and II,
148 juvenile justice counselors, juvenile justice counselor
149 supervisors, human services counselor administrators, senior
150 human services counselor administrators, rehabilitation
151 therapists, and social services counselors of the Department of
152 Juvenile Justice; the names, home addresses, telephone numbers,
153 dates of birth, and places of employment of spouses and children
154 of such personnel; and the names and locations of schools and
155 day care facilities attended by the children of such personnel
156 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
157 Constitution.

158 j.(I) The home addresses, telephone numbers, dates of
159 birth, and photographs of current or former public defenders,
160 assistant public defenders, criminal conflict and civil regional
161 counsel, and assistant criminal conflict and civil regional
162 counsel; the home addresses, telephone numbers, dates of birth,
163 and places of employment of the spouses and children of such
164 defenders or counsel; and the names and locations of schools and
165 day care facilities attended by the children of such defenders
166 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
167 the State Constitution.

168 j.(II) The names of the spouses and children of the specified
169 agency personnel identified in sub-sub-subparagraph (I) are
170 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
171 Constitution. This sub-sub-subparagraph is subject to the Open
172 Government Sunset Review Act in accordance with s. 119.15 and
173 shall stand repealed on October 2, 2019, unless reviewed and
174 saved from repeal through reenactment by the Legislature.

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175 k. The home addresses, telephone numbers, and photographs
 176 of current or former investigators or inspectors of the
 177 Department of Business and Professional Regulation; the names,
 178 home addresses, telephone numbers, and places of employment of
 179 the spouses and children of such current or former investigators
 180 and inspectors; and the names and locations of schools and day
 181 care facilities attended by the children of such current or
 182 former investigators and inspectors are exempt from s. 119.07(1)
 183 and s. 24(a), Art. I of the State Constitution if the
 184 investigator or inspector has made reasonable efforts to protect
 185 such information from being accessible through other means
 186 available to the public. This sub-subparagraph is subject to the
 187 Open Government Sunset Review Act in accordance with s. 119.15
 188 and shall stand repealed on October 2, 2017, unless reviewed and
 189 saved from repeal through reenactment by the Legislature.

190 1. The home addresses and telephone numbers of county tax
 191 collectors; the names, home addresses, telephone numbers, and
 192 places of employment of the spouses and children of such tax
 193 collectors; and the names and locations of schools and day care
 194 facilities attended by the children of such tax collectors are
 195 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 196 Constitution if the county tax collector has made reasonable
 197 efforts to protect such information from being accessible
 198 through other means available to the public. This sub-
 199 subparagraph is subject to the Open Government Sunset Review Act
 200 in accordance with s. 119.15 and shall stand repealed on October
 201 2, 2017, unless reviewed and saved from repeal through
 202 reenactment by the Legislature.

203 3. An agency that is the custodian of the information

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204 specified in subparagraph 2. and that is not the employer of the
 205 officer, employee, justice, judge, or other person specified in
 206 subparagraph 2. shall maintain the exempt status of that
 207 information only if the officer, employee, justice, judge, other
 208 person, or employing agency of the designated employee submits a
 209 written request for maintenance of the exemption to the
 210 custodial agency.

211 4. The exemptions in this paragraph apply to information
 212 held by an agency before, on, or after the effective date of the
 213 exemption.

214 5. This paragraph is subject to the Open Government Sunset
 215 Review Act in accordance with s. 119.15, and shall stand
 216 repealed on October 2, 2017, unless reviewed and saved from
 217 repeal through reenactment by the Legislature.

218 Section 2. The Legislature finds that it is a public
 219 necessity that the names of the spouses and children of current
 220 or former public defenders, assistant public defenders, criminal
 221 conflict and civil regional counsel, and assistant criminal
 222 conflict and civil regional counsel be made exempt from s.
 223 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 224 State Constitution. Public defenders, assistant public
 225 defenders, criminal conflict and civil regional counsel, and
 226 assistant criminal conflict and civil regional counsel personnel
 227 in this state perform a variety of important duties that ensure
 228 public safety and welfare and encourage safe and civil
 229 communities. These persons work with felons, many of whom have
 230 committed violent crimes. As a result of their duties, such
 231 personnel often come in close contact with individuals who not
 232 only may be a threat to these personnel, but who might seek to

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233 take revenge against them by harming their spouses and children.
234 Permitting access to the names of the spouses and children of
235 current or former public defenders, assistant public defenders,
236 criminal conflict and civil regional counsel, and assistant
237 criminal conflict and civil regional counsel provides a means by
238 which individuals who have been investigated, arrested,
239 interrogated, or incarcerated can identify and cause physical or
240 emotional harm to these spouses and children. The Legislature
241 therefore finds that the harm that may result from the release
242 of the names of spouses and children of current or former public
243 defenders, assistant public defenders, criminal conflict and
244 civil regional counsel, and assistant criminal conflict and
245 civil regional counsel outweighs any public benefit that may be
246 derived from the disclosure of the information.

247 Section 3. This act shall take effect October 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/13

Meeting Date

Topic SB 238- Senator Joyner

Bill Number SB 238
(if applicable)

Name Amanda Fortuna

Amendment Barcode _____
(if applicable)

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

E-mail _____

Speaking:

☒

For

☐

Against

☐

Information

— waive time in support

Representing

Regional Conflict Counsels

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

11-4-2013

Date

238

~~283~~

Bill Number

Barcode

Name Brian Pitts

Phone 727/897-9291

Address 1119 Newton Avenue South

E-mail justice2jesus@yahoo.com

Street

St. Petersburg

FL

33705

City

State

Zip

Job Title Trustee

Speaking: ☒ For ☐ Against ☐ Information

Appearing at request of Chair ☐

Subject _____

Representing Justice-2-Jesus

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

S-001 (04/14/10)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/13

Meeting Date

Topic Public Record Exemption for Public Defenders

Bill Number 238

(if applicable)

Name Nancy Daniels

Amendment Barcode _____

(if applicable)

Job Title Public Defender, 2nd Circuit

Address Leon County Courthouse, 301 S Monroe St

Phone 850 606-1010

Street

Tallahassee

FL

32301

City

State

Zip

E-mail nancy.daniels@

flpdz.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ARTHENIA L. JOYNER
19th District

✓
COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Vice Chair*
Appropriations
Appropriations Subcommittee on General
Government
Ethics and Elections
Health Policy
Judiciary
Transportation

SELECT COMMITTEE:
Select Committee on Indian River Lagoon
and Lake Okeechobee Basin

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

October 28, 2013

Senator Greg Evers, Chair
Senate Committee on Criminal Justice
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Mr. Chair:

This is to request that Senate Bill 238, Public Record Exemption - Names of Spouses & Children of Current and Former Public Defenders, be placed on the agenda for the Committee on Criminal Justice. Your consideration of this request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Arthenia L. Joyner".

Arthenia L. Joyner
State Senator, District 19

ALJ/rr

REPLY TO:

- ☐ 508 W. Dr. Martin Luther King, Jr. Blvd., Suite C, Tampa, Florida 33603-3415 (813) 233-4277
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019 FAX: (813) 233-4280

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

Department of Corrections



Fraudulent Court Orders

Senate Criminal Justice Committee

November 4, 2013

Michael D. Crews
Secretary

Lee Adams
Chief, Bureau of Admission and Release

Fundamental Duty of DOC: Execute the Order of the Court



- Courts impose prison sentences as punishment for criminal acts
- Fundamental duty of DOC is to execute sentencing orders
 - Calculate release dates - establishes the duration of the state's lawful control over the inmate
 - When the lawful sentence ends, DOC no longer has the authority to hold the inmate and the inmate has a constitutional right to be at liberty
- These principles have been emphasized by numerous court opinions and provide the legal and practical basis for the DOC's court order process

Case Law



- DOC has a duty to implement sentencing orders as written.
 - Sanders v. Florida Dept. of Corrections, 2013 WL 5509112, Fla. App. I Dist., 2013
 - Whirl v. Kern, 407 F.2d 781, 791 (5th Cir.1969)
 - Santana v Henry, 12 So.3d 843, (Fla. I DCA, 2009)
- This does not include Parole Offenders generally not subject to court orders.

777611

July 6, 2011



Sarah Chapel, Correctional Sentence Specialist
Bureau of Admission and Release
Florida Department of Corrections
2601 Blairstone Road
Tallahassee, Florida 32399

Re: State of Florida vs. Dwayne Luke
Case #'s: 08-23585CF10A and 08-22429CF10A

Dear Ms. Chapel:

Please be advised that there is no confusion with respect to Mr. Luke's sentencing. There is no minimum mandatory under 10/20/Life because Mr. Luke was not in actual possession of a firearm.

Being that the Department of Corrections is part of the Executive Branch of Government, your job is to follow the sentencing orders imposed, not to question them. Please do not send inquiries of this nature to this court.

Sincerely,

Paul L. Backman
Circuit Court Judge

Copies furnished:

Tom Coleman, Esq., State Attorney's Office
Heather Hennicksen, Esq., State Attorney's Office
Marcus Griggs, Esq., Defense Counsel
Department of Corrections-Central Office Records

RECEIVED
CENTRAL RECORDS
JUL 15 09:05:55



From Defendant to Inmate

- After an individual is provided due process, defendant is adjudicated guilty of a specific crime and committed to a period of incarceration in the custody of DOC
- DOC calculates the term imposed by the court into a release date
 - Courts do not calculate release dates or advise DOC when an inmate is to be released
 - Release date is adjusted depending on the award or forfeiture of gain time
 - DOC maintains a continuous calculation of the release date
- Inmate is released when the calculated release date occurs

DOC relies on the Clerk of Court Record



- DOC's proof of lawful detention is based solely on the court's written order
 - DOC is not a party to sentencing proceedings
- Clerk of Court is the custodian of the judicial record
 - DOC has always relied on the Clerk of Court to attest to the authenticity of court orders
- When a signed order is recorded in the official court record, it is valid on its face and demands execution

Date October 31, 2013

Judge Keith Meyer
Pinellas County
415 - 17th Ave, N E
Saint Petersburg, Florida 337040000

Re: Rijos, Kilbert
Inmate Name DC# T53804
Case Number: CRC10-21142CFANO and CRC11-21899CFANO

Honorable Judge Meyer,

In the interest of public safety and to safeguard the integrity of the judicial process, the Department requires independent verification by the court of the authenticity of the attached court order. Please review the document to confirm it accurately reflects the order of the court and has been properly recorded in the official record of the Clerk of Court. If the order is accurate and properly recorded, please sign below and return to the Department. We will be unable to execute the order and alter the agency record until this has been received.


Thank you for your cooperation in this effort to enhance public safety.

I, the undersigned, do hereby acknowledge that the attached court action as to case #(s) CRC10-21142CFANO and CRC11-21899CFANO accurately reflects the order of the court and has been properly recorded in the official record of the Clerk of Court.

Circuit Judge Signature

To: D. O. C.

From: Keith Meyer


Keith Meyer
Circuit Judge

The referenced order attached to your letter is authentic. I signed the original order awarding the ~~extra~~ additional credit. Please contact the Clerk of Court should you require additional information.

Standard Release Process



- Process begins 180 days prior to release
- Needs Assessment
- Comprehensive record review
 - Outstanding charges
 - Sentence Structure
- Transition Program
 - Social Service Providers
- Final release phase
 - Final FCIC/NCIC check
 - Database check (OBIS)
 - Confirm identity of inmate being released (fingerprint)

Immediate Release Process



- Immediate release process:
 - Receive and verify sentencing order with Clerk of Court
 - Conduct thorough review of the order and all sentencing history to determine if the order will cause the sentence to expire
 - Once release duties are completed (civil commitment review, wanted notice review, coordinate start of supervision, etc.), the inmate is released

Court Orders

Unusual Does NOT Equal Invalid



- Since January 2010, 61 life sentences for murder, attempted murder or manslaughter were reduced or vacated
- During FY 2012-13, DOC processed over 4,100 court orders
- While DOC staff do not evaluate the legality of orders, we do recognize and seek clarification of discrepancies involving the factual record and internal inconsistencies within orders



535748

<input type="checkbox"/> IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA	
DIVISION: CRIMINAL	CASE NUMBER: 11CF14792
PLAINTIFF: STATE OF FLORIDA	VS. DEFENDANT: Stephen Mizner
SUPERCEDES ORDER ON BONDS	

This cause coming before the Court on the motion of the defendant for modification of bail, it is therefore:
ORDERED AND ADJUDGED that the bail of the defendant

charge	<u>Discrete Commun.</u>	modified from	<u>current</u>	to	<u>27,500</u>
charge	<u>Travel to meet</u>	modified from		to	<u>27,500</u>
charge	<u>Sex Assault (Attempt)</u>	modified from		to	<u>27,500</u>
charge	<u>Unlawful Use 2way</u>	modified from		to	<u>27,500</u>
charge	<u>Communication</u>	modified from		to	
charge		modified from		to	
charge	<u>Def may have phone</u>	modified from		to	<u>+ SPR</u>
charge	<u>Contact w/ his</u>	modified from		to	<u>3x per week</u>
charge	<u>Children</u>	modified from		to	<u>Call ins.</u>
charge	<u>Alison Mizner</u>	modified from		to	
	<u>Brittany Mizner</u>	modified from		to	

DONE AND ORDERED this 30 day of 5 13, at Sarasota County, Florida

SPECIAL CONDITIONS:

☐ Report to Probation - ☐ Immediately ☐ Daily ☐ Weekly

☒ Not to leave Sarasota/Monroe Counties

☒ Reside with or at Uncle Dennis Keenan 3410 Manlaw Creek in Sarasota FL

☐ To obtain gainful employment

☐ No alcohol consumption 1 SPR can have law enforcement search

☐ No contact with victim(s) or victim's family directly or indirectly Uncle's computer ~~previously ordered~~

☐ If defendant has been previously placed on Supervised Pretrial Release in this case, all previously ordered conditions of Pretrial Release shall remain in effect, unless specifically ordered otherwise in this order.

☐ Defendant to report to ☐ Court Intervention Program ☐ Health Care Court to begin participation.

☒ Other Do not apply for passport. Do not own gun device that has access to internet.

FILED FOR RECORD STAMP

Inducted P.M. (unclear)
Def must surrender self upon any action
Must comply w/ all laws + requirements
Of order designating
Serial predator

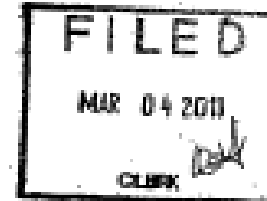
Criminal/Bondsmen.doc
Revised 2/10



BCS757

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CRIMINAL DIVISION 01
CASE NO: F07-25263



STATE OF FLORIDA,

Plaintiff,

vs.

Marcus Johnson

Defendant(s).

ORDER
GRANTING/DENYING
STATE'S/DEFENDANT'S

Petition for Emergency
Mandamus to Recredit
Jail Time Credit to
Commensurate with the orally
pronounced sentence

THIS CAUSE having come on to be heard on March 4, 2010
on State's/Defendant's ~~Motion~~
Petition for Emergency Mandamus to Recredit Jail Time Credit to
Commensurate with the orally pronounced sentence
and the Court having heard argument of counsel, and being otherwise advised in the
premises, it is hereupon

ORDERED AND ADJUDICATED that said Motion be, and the same is hereby
Granted. The defendant is entitled to cell credit for time
devoid of run house arrest, per interminous with
case # F02-1316.

DONE AND ORDERED in Chambers of Miami-Dade County, Florida this 4th
day of March, 2010

VERIFIED BY: CCIS
CLERK'S OFFICE MIAMI-DADE COUNTY

Jesse 5/13/10
NAME DATE

Nashley G. Sayle
CIRCUIT COURT JUDGE



623263
90 ARW
BUREAU OF
SENTENCE STRUCTURE

11 JAN -4 AM 10:50

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN
AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA,

vs.

CASE NO.: 1991CF3673

SPN: 59264

KEVIN J. ISSAC,

FIRST DCA CASE NO.: 1D10-4925

Defendant.

**ORDER GRANTING MOTION FOR CLARIFICATION OF SENTENCE
AND AMENDED PETITION FOR CLARIFICATION OF SENTENCE**

THIS CAUSE came before the Court upon Defendant's Motion for Clarification of Sentence filed Feb. 26, 2010, and Amended Petition for Clarification of Sentence filed July 14, 2010. Because the motions challenge the correctness of the sentence, the Court will treat the motions as motions to correct sentence filed under Florida Rule of Criminal Procedure 3.800(a). The State filed a Response to Defendant's 3.800 Motion on Nov. 30, 2010. The Court, having considered the motions and response, reviewed the court record, and being otherwise fully advised, hereby finds as follows:

On May 19, 1992, Defendant was found guilty by a jury of attempted murder of a law enforcement officer (Count II), among other things. On June 19, 1992, he was sentenced to 27 years Department of Corrections incarceration for the attempted murder conviction with 25 years mandatory minimum before release. The First District Court of Appeal affirmed Defendant's conviction and sentence. *Issac v. State*, 26 So. 2d 1082 (1st DCA 1993).

Defendant alleges that his sentencing document erroneously indicates he was ordered to "serve a minimum of 25 years before release in accordance with Florida Statute 775.0823," and asserts he was actually sentenced to the 25-year mandatory minimum pursuant to sec. 775.0825,



which expressly applies to attempted murder of a law enforcement officer. Defendant is correct that sec. 775.0825 states "[a]ny person convicted of attempted murder of a law enforcement officer as provided in s. 784.07(3) shall be required to serve no less than 25 years before becoming eligible for parole." § 775.0825, Fla. Stat. (1991).

Defendant was charged by amended information with attempted murder of a law enforcement officer while engaged in the perpetration of a robbery in violation of sections 777.04 (attempt), 782.04(1) (murder in the first degree), and 784.07(3) (attempted murder of a law enforcement officer), and was found guilty as charged. Sec. 784.07(3) provides that "any person who is convicted of attempted murder of a law enforcement officer . . . shall be guilty of a life felony, punishable as provided in s. 775.0825." § 784.07(3), Fla. Stat. (1991). The sentencing transcript indicates that Defendant was sentenced in accordance with sections 784.07(3) and 775.0825.

Defendant requests that the Court correct the discrepancy between the Court's oral pronouncement and the written sentence. The State concedes this scrivener's error. Accordingly, Defendant's motion is granted and a corrected judgment and sentence document will be issued.

It is therefore

ORDERED AND ADJUDGED that Defendant's Motion for Clarification of Sentence filed Feb. 26, 2010, and Amended Petition for Clarification of Sentence filed July 14, 2010, are hereby **GRANTED**. The Clerk of Court is directed to enter a corrected sentencing document reflecting that Defendant is required to serve no less than 25 years before becoming eligible for parole pursuant to sec. 775.0825, Florida Statutes (1991), and that



Defendant is no longer ordered to serve a minimum of 25 years before release in accordance with sec. 775.0823, Florida Statutes (1991). All other provisions of the sentence are to remain unchanged.

DONE AND ORDERED this 3rd day of January, 2011.


JAMES C. HANKINSON
CIRCUIT JUDGE

Copies to:

Kevin J. Issac - 623263
Moore Haven Correctional Institution
P.O. Box 718501
Moore Haven, FL 33471-5501

Department of Corrections - Sentence Structure
ATTN: Court Orders
2601 Blair Stone Rd.
Tallahassee, FL 32399

State Attorney's Office

Lee Todd
Office of the Attorney General
PL01 - The Capitol
Tallahassee, Florida 32399-1050

First District Court of Appeal
2000 Drayton Dr.
Tallahassee, FL 32399-0950



STATE OF FLORIDA

576133

UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

The Circuit Court of Pasco
in the Fall Term, 1987, in the case of

State of Florida

vs

0603288CFW5
ipn 79090

Louis Boller

Defendant

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE
SHERIFF OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID
STATE, GREETING:

The above named defendant having been duly charged with the offense specified herein
in the above styled Court, and he having been duly convicted and adjudged guilty of said
offense for said offense by said Court, in appears from the attached certified copies of
Arrestment Information, Judgment and Sentence, and a Petition for Disposition and Sentence
which are hereby made parts hereof:

Now therefore, this is to command you, the said Sheriff, to take and keep and, within
a reasonable time after receiving this commitment, safely deliver the said defendant, to-
gether with any pertinent Investigation Report prepared in this case, into the custody of
the Department of Corrections of the State of Florida; and this is to command you, the
said Department of Corrections, by and through your Secretary, Regional Director, Super-
intendents, and other officials, to keep and safely imprison the said defendant for the term
of said sentence in the institution in the state correctional system to which you, the said
Department of Corrections, may cause the said defendant to be conveyed or theretofore
transferred. And these presents shall be your authority for the same. Hence fail not.

WITNESS the Honorable Lawrence E. Knight

Judge of said Court, as also _____

Clerk, and the Seal thereof, this the 21st day of

December, 1987
(Month)

_____, CLERK

By Richard J. Smith
Deputy Clerk



☐ PROBATION VIOLATION
(Check if Applicable)

IN THE CIRCUIT COURT, SIXTH
JUDICIAL CIRCUIT IN AND FOR

Alachua COUNTY, FLORIDA

DIVISION Family

CASE NUMBER 2019-00000000-00000
4th 7000

STATE OF FLORIDA

-vs-

Louis Bortez
Defendant

JUDGMENT

The Defendant, Louis Bortez, being personally before this Court represented by Stephen Wilson, his attorney of record, past having:

- (Check Applicable Provision)
- ☒ Been tried and found guilty of the following crime(s)
 - ☐ Entered a plea of guilty to the following crime(s)
 - ☐ Entered a plea of not guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME	CASE NUMBER
<u>1</u>	<u>Armed Burglary</u>	<u>810.02</u>	<u>1F</u>	
<u>11</u>	<u>Armed Robbery</u>	<u>812.13 (21) (b)</u>	<u>1F</u>	

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

The Defendant is hereby ordered to pay the sum of 20.00 dollars Twenty pursuant to F.S. 944.05 (Crime Compensation Trust Fund). The Defendant is further ordered to pay the sum of 3.00 dollars Three as a court cost pursuant to F.S. 943.05(4).

☒ The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 934.25(5).
(This provision is optional; not applicable unless checked)

(Check if Applicable) ☐ The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crime Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of a sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s).)

☐ The Court hereby imposes additional court costs in the sum of \$ 200.00 pursuant to FS27.3405.
DEFENDANT FOUND INOTICENT FOR PURPOSES OF COURT COSTS



W11889

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
CRIMINAL DIVISION

CASE NO.: 03 9160 CF A02
DIVISION: "T"

STATE OF FLORIDA

vs.

LEON M. GAINES,

Defendant.

AGREED ORDER ON DEFENDANT'S MOTION
TO CORRECT SENTENCE

THIS CAUSE having come before the Court on agreement between the parties, and the Court being otherwise duly informed in the premises, this Court

FINDS:

1. The Defendant pled guilty in this cause and was sentenced to 30 years. Said sentence was to run concurrent with a federal sentence in: Florida, Northern District, Case No. 04-80051 CR Hurley.
2. The Defendant is currently serving his State sentence and receiving no credit for his federal sentence as contemplated by the plea agreement.

It is therefore,

ORDERED AND ADJUDGED:

1. The sentence entered by this Court on May 10, 2005 is hereby vacated.
2. Sentencing is suspended until such time as the Defendant completes his sentence in Case No. 04-80051 CR Hurley.
3. Upon completion of his federal sentence, the Defendant will be re-sentenced as contemplated by the plea agreement.

DONE AND ORDERED, in Chambers in Palm Beach County, Florida, 11 day of

FILED
2008 FEB 11 AM 10:57
SHARON R. BUCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

vr FEB 12 2008
469



February, 2008.

Krista Marx
Judge Krista Marx

Copies furnished to:

Aleatha McRoberts, Esquire, Assistant State Attorney, 401 North Dixie Highway, West Palm Beach, FL 33401

Ann H. Perry, Esquire, 400 Executive Center Drive, Suite 207, West Palm Beach, FL 33401

Department of Corrections, Everglades C.I. 1601 SW 187 Avenue, Miami, FL 33185-3701

FAX TO JAIL

2/11/08



1

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Book 10060 Page 1537

Case Number: 2020-4701-CF-1

- _____ Probation Violator
- _____ Community Control Violator
- _____ Retrial
- _____ Resentence

States of Florida

ANTONIO TAVARES BRIGIT

Defendant
Book 10253 Page 2885

RECEIVED

The defendant, ANTONIO TAMARUS BRIGHT, being personally before this court
represented by James H. Hester, Jr., the attorney of record, and the state
represented by W. Mark B. Hester, and having

been tried and found guilty by jury/~~court~~ of the following crime(s) *Ct1*

_____ entered a plea of guilty to the following crime(s)

entered a plea of sole contumacy to the following criminal

11-30-01) RE-RETRUB TC: REFLECT OBSERVATION OF HAZARDOUS, VIOLENT BEHAVIOR CARRYING SENTENCE ON DATE OF NEXT COURT APPEARANCE

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED that the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or under (s. 782.04), aggravated battery (s. 784.043), carjacking (s. 812.133), or home invasion battery (s. 812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood samples.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD

000024 Page 1 of 9

1146 *Reviews*

Document in IRIS (Inmate Records Imaging System)



Apr. 3. 2012 11:27AM

No. 8476 P. J. LA

DE-100000

State of Florida

ANTONIO TAVARUS BRIGHT

Case Number 2000- 6301-CF-A

Book 10060 Page 1558

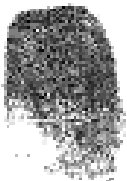

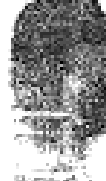
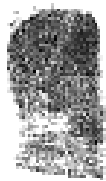






Defendant

Imposition of Sentence _____
Stayed and Withheld
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation/community control for a period of _____ under the supervision of the Department of Corrections (conditions of probation/community control set forth in separate order.)

Book 10253

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by:

Charles C. Largent
Name

Bischoff
Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, ANTONIO TAVARUS BRIGHT, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida, this 8 day of March, 2001

Lea M. Day
Judge

24A

24A

Page 2 of 9

Form CCFR0A



_____	Probation Violator
_____	Community Control Violator
_____	Retrial
_____	Resentence

in and for Duval County, Florida

Division Cr-0

Case Number 2000-6301-CF-A

RE - RECORD

State of Florida

ANTONIO TAYANUN BRIGHT
Defendant.

FILED

JUL - 5 2001

John J. Edgar John J. Edgar

Book 10253 Page 2227

23

田中 幸三

RE The defendant, ANTONIO TAVARUS BRIGHT, being personally before this court
represented by JAMES BERNARDINE, the attorney of record, and the state
represented by MIKE O'KEEFE, and having

XX been tried and found guilty by jury/~~REDACTED~~ of the following crime(s): Count #3

_____ entered a plea of guilty to the following crimes:

_____ entered a plea of not guilty to the following criminal

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED that the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s).

_____ and pursuant to section 941.325, Florida Statute, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) the defendant shall be restricted to submit blood specimens.

_____ and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.



Apr. 3, 2012 11:27AM

No. 8476 P. 5 1A

State of Florida

v.

ANTONIO TAVARUS BRIGHT

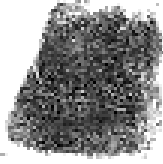

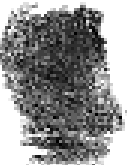


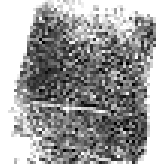

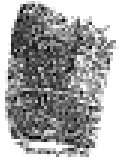


Case Number 2000-6301-CF

Defendant

Book 10253 Page 2226 RE-RECORDED

Imposition of Sentence _____
Stayed and Withheld
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation/community control for a period of _____ under the supervision of the Department of Corrections (conditions of probation/community control set forth in separate order.)

FINGERPRINTS OF DEFENDANT				
1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by

HW 3-10-12 9925 LEW. BAKER
Name Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, ANTONIO TAVARUS BRIGHT, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida, this 19 day of June, 2011.

1-237

25A

Lance P. Day
Judge

Page 2 of 9



Apr. 3. 2012 11:27AM

No. 8476 P. 6

2

STATE OF FLORIDA

In the Circuit Court, Fourth Judicial Circuit,
in and for Duval County, Florida
Division CR-D
Case Number 2000- 6301-CF-A

ANTONIO TAVARUS BRIGHT

Defendant

Book 10253 Page 2229 EL-RECORD

Book 10060 Page 1561

~~Set Aside on 4-2-12 - Converted to Civil Judgment.~~

The defendant is hereby ordered to pay the following fines if assessed:

- ☒ \$50.00 pursuant to section 938.03, Florida Statutes (Crime Compensation Trust Fund).
- ☒ \$3.00 as a court cost pursuant to section 938.01(1), Florida Statutes (Additional Court Cost Clearing Trust Fund).
- ☐ \$2.00 as a court cost pursuant to section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties).
- ☐ A fine in the sum of \$ _____ pursuant to section 775.083, Florida Statutes. (This provision refers to the optional fine for the Crime Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as a part of a sentence to section 775.083, Florida Statutes are to be recorded on the sentence page(s).)
- ☐ \$20.00 pursuant to section 938.09, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- ☐ A 10% surcharge in the sum of \$ _____ pursuant to section 938.11, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- ☐ A sum of \$ _____ pursuant to section 938.17, Florida Statutes (Prosecution/Investigative Costs).
- ☐ A sum of \$ _____ pursuant to section 938.19, Florida Statutes (Public Defender Fees).
- ☐ \$15.00 pursuant to 938.13, Florida Statutes. Misd. convictions involving drugs or alcohol.
- ☒ \$250.00 pursuant to section 938.05, Florida Statutes (Local Government Criminal Justice Trust Fund).
- ☐ A sum of \$ _____ pursuant to 938.04, Florida Statutes (additional cost - 5% of fine).
- ☐ \$125.00 pursuant to section 938.07, Florida Statutes (BMS - DUI cases).
- ☐ \$100.00 pursuant to section 938.25, Florida Statutes, (FDLE Operating Trust Fund).
- ☐ A sum of \$ _____ pursuant to 938.23, Florida Statutes, (Grants For Alcohol & Other Drug Abuse Program - Drug Abuse Trust Fund).
- ☐ A sum of \$ _____ pursuant to 938.18, Florida Statutes, (Assessment of Additional Court Costs for Court Facilities - not to exceed \$150.00).
- ☐ Restitution in accordance with attached order.
- ☐ A sum of \$20 pursuant to 938.06, Florida Statutes, (Assessment of Additional Court Costs for Crime Stoppers Trust Fund - not to exceed \$250.00).
- ☒ Other ATTY LEIN IMPOSED.

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida, this 5

day of July

01

000026

Page 5

Judge [Signature]

236



Apr. 3. 2012 11:27AM

No. 8476 P. 7 3

Defendant ANTONIO TAVARES BRIGHT Case Number 2000- 6301-CF-A 0015 Number 0012680435

SENTENCE

(As to Count _____ 1 _____)

RE-RECORD

Page 1562
Book 10050

The defendant, being personally before this court, accompanied by ~~his~~ his counsel, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(Check one if applicable.)

- _____ and the court having on _____ deferred imposition of sentence until this date.
_____ and the court having previously entered a judgment in this case on _____ now sentences the defendant.
_____ and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It Is The Sentence Of The Court That:

- _____ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes plus _____ as the 3% surcharge required by 938.04, Florida Statutes.
_____ The defendant is hereby committed to the custody of the Department of Corrections.
_____ The defendant is hereby committed to the custody of the Sheriff of Duval County, Florida.
_____ The defendant is sentenced as a youthful offender in accordance with section 938.04, Florida Statutes.

To be Imprisoned (Check one; unmarked sections are inapplicable)

- _____ For a term of natural life.
_____ For a term of 25 years.
_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

- _____ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
_____ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

OTHER PROVISIONS

- Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes.
Jail Credit ☒ It is further ordered that the defendant shall be allowed a total of 45 days as credit for time incarcerated before imposition of this sentence. by stip.
Prison Credit ☒ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing. (includes all prior 603's for credit)
Consecutive/ Concurrent As To Other Counts _____ It is further ordered that the sentence imposed for this count shall run (check one) _____ consecutive to _____ concurrent with the sentence set forth in count _____ of this case. and 4-2-12

000027

Page 6 of 9

~~239~~



Defendant ANTONIO TAVARUS BRIGHT Case Number 2000- 5101-CF-A 0818 Number 0012680435

SENTENCE

As to Count 3 Book 10053 Page 2231 DE-000030

Book 10050 Page 1563

The defendant, being personally before this court, accompanied by the defendant's attorney of record, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(Check one if applicable.)

- ☐ and the court having on _____ (date) deferred imposition of sentence until this date.
- ☐ and the court having previously entered a judgment in this case on _____ (date) now resentences the defendant.
- ☐ and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It Is The Sentence Of The Court That:

- ☐ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes plus _____ as the 5% surcharge required by 938.04, Florida Statutes.
- ☒ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Duval County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To be Imprisoned (Check one; unmarked sections are inapplicable):

- ☐ For a term of natural life.
- ☒ For a term of 15 years
- ☐ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

OTHER PROVISIONS

Retention of Jurisdiction

- ☐ The court retains jurisdiction over the defendant pursuant to section 947.10(4), Florida Statutes.

Jail Credit

- ☒ It is further ordered that the defendant shall be allowed a total of 15 years by SHP as credit for time incarcerated before imposition of this sentence. (includes all prior

Prison Credit

- ☒ It is further ordered that the defendant be allowed credit for all time bc + RSP credit previously served on this count in the Department of Corrections prior to resentencing.

Consecutive/
Concurrent
As To Other
Counts

- ☒ It is further ordered that the sentence imposed for this count shall run (check one) concurrent with the sentence set forth in count _____ of this case.

mw
4.2.12

Defendant Antonia Tavarus Dought Case Number 2000-6301-CF

SPECIAL PROVISIONS

Book 10253 Page 2232 RE-RECORD

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions

- | | |
|--|--|
| Firearm | It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count. |
| Drug Trafficking | It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count. |
| Controlled Substance Within 1,000 Feet of School | It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count. |
| Habitual Felony Offender | The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court. |
| Habitual Violent Felony Offender | The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court. |
| Violent Career Criminal | The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(c), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court. |
| Prison Release Re-Offender | The Defendant is adjudicated a prison release re-offender in accordance with the provisions of section 775.082(8), and must serve 100 percent of the court imposed sentence. <i>As to Crs 1-3, To Run Concurrently</i> |
| Law Enforcement Protection Act | It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes. |
| Capital Offense | It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.083(1), Florida Statutes. |
| Short-Barreled Rifle, Shotgun, Machine Gun | It is further ordered that the 3-year minimum provisions of section 790.32(1)(2), Florida Statutes, are hereby imposed for the sentence specified in this count. |
| Continuing Criminal Enterprise | It is further ordered that the 15-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count. |

Strike this provision by stipulation. mms 4-2-12



Defendant ANTONIO TAVARUS BRIGHT

Case Number 2000- 6301-CF-A

OTHER PROVISIONS

Book 10253 Page 2233 **RECORD**

Consecutive/
Concurrent
As To Other
Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

(check one) ☐ consecutive to ☐ concurrent

with the following:

(check one)

☐ any active sentence being served.

☐ specific sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of Duval County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends _____

DONE AND ORDERED in open court at Jacksonville, Duval County, Florida, this _____
day of July 01.

[Signature]
Judge





IN THE CIRCUIT OF THE 9TH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

Vs.

Charles D Frazier
Defendant.

Case No.: 48-99-CF-2082-AOX / 48-11-CF-6719-AOX

MOTION TO CLARIFY SENTENCE

Come now, Defendant, Charles D Frazier, Pro SE, pursuant to 3.700 (a) Fla. R. Crim. P. Rule and moves this Honorable Court to clarify Defendant's sentence as imposed herein:

PORTION OF SENTENCE TO BE CLARIFIED

I, Charles D Frazier during July 2011 obtained a lawyer named Leslie Sweet, who represented me on a Violation of Probation charge. I was sentenced to (11 1/2) 5 years probation. I made an open Plea Agreement to you for (150) (month) with all my day-for-day, all gained-time received in prison plus jail time served. For some reason Classification and Tallahassee will not honor the Plea Agreement records that were written in your court. My Classification Office here at Franklin Correction Institute, informed me since the total amount of days and months were omitted on my Plea Agreement/ Judgment Commitment Order, they, (Tallahassee or my classification office), will honor Judge Gail Adams' Plea Agreement.

WHEREFORE, Defendant respectfully moves this Honorable Court to enter an order that will clarify the present sentence.

FURTHER, Defendant asks this Court to direct the Clerk to send a copy of the order to the Florida Department of Correction, Bureau of Sentence Structure, 301 South Calhoun Street, Tallahassee, Florida 32309-2300, and a copy to the Classification Department Office, at 1760 Highway 67 North, Carrabelle, Florida 32522, and a copy to the Defendant.

Respectfully Submitted:

Charles D Frazier
Defendant, pro se.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed this document in the hand of the Mailroom personnel, at Franklin Correction Institution for mailing to: Orange County Clerk of Court, 425 North Orange Avenue, Orlando, Florida 32801, on this 15TH Day of November 2011.

Charles D. Frazier
Defendant, pro se.



STATE OF FLORIDA
Plaintiff,

VS.
CHARLES D. FRAZIER
Defendant.

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CASE NO. 2000-CF-2082-A-O

VOP DIVISION 23

ORDER CORRECTING THE CREDIT FOR TIME SERVED

THIS CAUSE to be heard on the Court's own motion and the Court finds the following:

1. That on or about December 2010 the Court received a memorandum from the Department of Corrections (DOC) that led the Court to believe the Department of Corrections would not be requiring Defendants, who were sentenced on a violation of probation to additional prison time, to repay good or gain time. The Court may have relayed this mis-information to the Defendant at the time of sentencing.
2. That on June 20, 2011, the defendant was sentenced to 150 months with credit for his/her previous DOC time plus an additional 34 days for time in the county jail since the arrest on the violation of probation.
3. In order to remove any mis-statement or misunderstanding as to the defendant's prior credit for time served the Court is amending the Sentencing Order.
4. As originally ordered, this case is concurrent with 2011-CF-6739.

CONSIDERED, ORDERED AND ADJUDGED, to reflect the appropriate credit for time previously served, the Court hereby orders DOC to give credit for time served for the defendant to be 11.48 years plus 34 days as of June 20, 2011 (date of sentence) with no credit for the previous prison sentence.

DONE AND ORDERED in Chambers, this 5th day of December, 2011.


GAIL A. ADAMS
CIRCUIT COURT JUDGE

COPIES FURNISHED TO:
Assistant State Attorney, VOP Division 23; Assistant Public Defender, VOP Division 23
Defendant, Charles Frazier, DC# 0548526, Franklin Correctional Institution, 1760
Highway 67 North, Carrabelle, FL 32322
Department of Corrections

Current Fraudulent Orders



- Jeffrey Forbes – sentenced in Orange County
 - 7-17-06 Sentenced to Life for Attempted First Degree Murder, with a 25 year firearm mandatory (multiple sentences)
 - 11-19-12 DOC received a phone call advising that Forbes had been resentenced to 88 months
 - In accordance with policy, staff investigated claim by contacting the Clerk's office
 - 11-19-12 Order Granting Motion to Correct Illegal Sentence received via email from Clerk's office (all sentences altered to achieve the release date reduction)
 - 11-20-12 Order processed and release date changed from Life to 10-11-16
 - DOC was alerted to a possible problem with the order by a member of the public reviewing the website
 - Investigation confirmed the order was not authentic and Forbes' life sentence was re-entered into the DOC system
 - Forbes was never released as a result of the fraudulent order.



IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff

v

JEFFERY FORBES,
Defendant,

Case No. 48-2005-CF-16893-0
48-2005-CF-9077-0
48-2005-CF-8736-0
48-2002-CF-4949-0
48-2001-CF-4752-0

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Lawson Lamar, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable law this Court finds the following:

05-CF-16893, the Defendant was convicted of Attempted First Degree Murder (Count One) and Resisting an Officer with Violence (Count Two).

05-CF-9077, the Defendant was convicted of Burglary of a Dwelling (Count One), Battery (Count Two), and Interference with Custody (Count Three).

05-CF-8736, the Defendant was convicted of Possession of Cocaine.

01-CF-4752 and 02-CF-4949, the Defendant was convicted of Violation of Probation.

In 05-CF-16893 the Defendant was sentenced to life imprisonment in Count One and Count Two thirty (30) years Florida Department of Corrections with ten (10) years minimum mandatorily as a Habitual Violent Felony Offender with zero (0) days jail credit and run concurrent with Count One but consecutive to any active sentence. 05-CF-9077, 05-CF-8736, 01-CF-4752, and 02-CF-4949.



In 05-CF-9077 the Defendant was sentenced on the same day to thirty (30) years Florida Department of Corrections with ten (10) years minimum mandatory as a Habitual Violent Felony Offender with 274 days jail credit in Court One, 274 days credit in Orange County jail with 274 days jail credit time served in Court Two, and Court Three ten (10) years Florida Department of Corrections with five (5) years minimum mandatory as a Habitual Violent Felony Offender with 274 days jail credit and run concurrent with Court One, but consecutive to any active sentence 05-CF-16893, 05-CF-8736, 01-CF-4752, and 02-CF-4949

In 05-CF-8736 the Defendant was sentenced to thirteen (13) months Florida Department of Corrections with 274 days jail credit and run concurrent with case nos. 01-CF-4752 and 02-CF-4949, but consecutive to any active sentence 05-CF-16893 and 05-CF-9077

In 01-CF-4752 and 02-CF-4949 the Defendant was sentenced to fifteen (15) years Florida Department of Corrections with 946 days past jail credit and 274 days current jail credit and run concurrent with case no. 05-CF-8736, but consecutive to any active sentence 05-CF-16893 and 05-CF-9077

In this instance on 05-CF-16893, Count One the Court imposed life imprisonment with twenty-five (25) years minimum mandatory on the charge of Attempted First Degree Murder, but the original information and indictment charged the Defendant with Attempted Second Degree Murder, Fla. Stat. 782.04(2), a second degree felony. The maximum statutory sentence fifteen (15) years, thirty (30) years as a (HVFO). An accused cannot be indicted for one offense and convicted and sentenced for another, even though the offenses are closely related and of the same general nature or character and punishable by the same grade of punishment. See *Crimin v. Sims*, 922 So 2d 276 (Fla. 4th DCA 2006)



The Defendant had been classified as a Habitual Violent Felony Offender (HVFO) and qualified for enhanced penalty under Fla. Statute 775.084(4)(c). The Court files showed, the Defendant qualified as a (HVFO) based on two (2) prior convictions of Robbery with a Firearm while Wearing Mask. The Orange County Sheriff's Office affidavit and report had substantiated the offenses arisen from one criminal episode. Supreme Court holding that court may not impose habitual offender sentences for offenses committed during single criminal episode applies to both Habitual Felony and Habitual Violent Felony sentencing. See *Hafe v. State*, 630 So 2d 521 (Fla. 4th DCA 1993).

The Defendant's probationary files showed the Defendant violated his probation on three (3) separate occasions. In one particular instance the probation officer had submitted a sworn affidavit alleging a violation before the Court, but no Notice of hearing was served on Defendant or a hearing held into probation officer's claims, thus the Court found no violation yet proceeded to enhance the terms of Defendant's probation.

Absent proof of violation, Court cannot change order of probation or community control by enhancing term thereof even if Defendant has agreed in writing with probation officer to allow modification and has waived notice of hearing. See *Clark v. State*, 579 So 2d 100 (Fla. 1st DCA 1991).

Therefore it is ORDERED AND ADJUDGED that State motion is GRANTED.

1. In 2005-CF-16893, Count One the Defendant is sentenced to 84 (80) months Florida Department of Corrections with 274 days jail credit and Count Two sixty (60) months Florida Department of Corrections with 274 days jail credit and both counts run concurrent with all cases.



- 2 In 2005-CF-9077, Counts One and Three the Defendant is sentenced to sixty (60) months Florida Department of Corrections with 274 days jail credit and run concurrent with all cases
- 3 In 2001-CF-4752 and 2002-CF-4949 the Defendant is sentenced to sixty (60) months Florida Department of Corrections with 946 days past jail credit and 274 days current jail credit run concurrent with all cases,
- 4 In 2005-CF-8736 the Defendant's previously imposed sentence shall remain the same in all other respects but run concurrent with all cases and
- 5 With respect to Habitual Violent Felony Offender (HVFO) and minimum mandatory sentences in the Defendant's cases is hereby vacated and set aside

Additionally it is ORDERED that the Clerk of the Circuit Court is directed to provide a certified copy of this Order to the Florida Department of Corrections, Bureau of Sentence Structure 2601 Blue Stone Road, Tallahassee Florida 32399-2500

DONE AND ORDERED in chambers at Orlando Orange County, Florida this 6 day
of January 2011.

Jose B. Rodriguez
Circuit Court Judge

Current Fraudulent Orders



- Charles B. Walker – sentenced in Orange County
 - 4-17-99 Offense date (pre-dates 10-20-life)
 - 6-4-99 Indicted for first degree murder
 - 2-22-01 Adjudicated guilty of second degree murder following jury trial
 - 4-6-01 Sentenced to life with 3 year firearm mandatory
 - 10-7-13 Motion to correct sentence recorded in Orange County Clerk of Court website
 - 10-7-13 Order granting motion to correct sentence granted, recorded on Clerk of Court website. Order grants reduction to a fifteen year sentence.
 - 10-8-13 Order received by DOC
 - DOC staff verified the order with a deputy clerk via phone
 - 10-8-13 Inmate released



IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

v.

Case No.: CR-O-99-5467/A

CHARLES BERNARD WALKER,
Defendant.

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Jeffery L. Ashton, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 1.800(s) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable Law this court finds the following:

I. CR-O-99-5467/A The Defendant was convicted of Second Degree Murder 782.04 (2)

In CR-O-99-5467/A The Defendant was sentenced to life imprisonment in the Florida Department of Corrections with credit for 1 year, 354 days jail credit and 3 years minimum/mandatory.

In this instance, on CR-O-99-5467/A The courts imposed life imprisonment on charges of second degree murder. The jury's verdict found the defendant guilty of lesser included offense, Third degree murder. When the courts written sentence which conflicts with an oral pronouncement of a sentence or jury verdict is an illegal sentence, and a motion alleging such a



discrepancy is cognizable in a rule 3.800. See *Wilkins v. State*, 543 So. 2d 800 (Fla. 5th DCA 2003).

It is therefore, **ORDERED AND ADJUDGED** that the Defendant's Motion to Correct Illegal Sentence is **GRANTED** and the Defendant is sentenced to 15 years in Department of Corrections and awarded all past jail and prison credit.

It is further **ORDERED** that the Clerk of the Circuit Court is directed to provide a certified copy of this order to the Florida Department of Corrections Bureau of Sentence Structure, 2601 Blairstone Road, Tallahassee, Florida 32399-2500

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this 25 day of Sept 2013, *non pro tunc*, April 2001.


CIRCUIT COURT JUDGE



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have placed a true and correct copy of the foregoing has been furnished by U.S. Mail to Nicole L. Benjamin, Benjamin Law Group, 1516 E. Colonial Dr., Suite 110, Orlando, FL 32803 on this 25 day of September 2013.


JUDICIAL ASSISTANT

Current Fraudulent Orders



- Joseph Jenkins – sentenced in Orange County
 - 9-7-98 Offenses date (pre-dates 10-20-life)
 - 2-18-00 Indicted for felony murder, robbery, attempted armed robbery, and armed burglary
 - 4-26-00 Adjudicated guilty of felony murder, petit theft, attempted armed robbery and armed burglary
 - 5-10-00 Sentenced to life with 3 years firearm mandatory, 15 years with 3 year firearm mandatory concurrent, and 30 years with a 3 year firearm mandatory concurrent
 - 8-30-13 CCIS records Motion to Correct Sentence
 - 8-30-13 CCIS records Order Granting Motion to Correct Sentence
 - 9-27-13 Order to Correct Sentence is received by DOC
 - 9-27-13 Order is processed and inmate is released

113

DC# X05662
Life

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

v.

Case No.:

CR-O-2000-CF-02295-A

CR-O-1997-CF-12901-A

JOSEPH IVAN JENKINS,
Defendant.

13 SEP 21 PM 1:29
BUREAU OF
SENTENCE STRUCTURE

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Jeffery L. Ashton, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable Law this court finds the following:

1. CR00-02295 The Defendant was convicted of First Degree Murder (Count 1); Count 2, Petit Theft; Count 3, Attempted Armed Robbery; and Count 4, Armed Burglary.

2. CR97-12901 The Defendant was convicted of Violation of Probation.

In CR00-2295 Count 1: The Defendant was sentenced to life imprisonment with credit for 1 year, 246 days jail credit run concurrent with each count and 3 years minimum/mandatory. Count 2: 60 days in the Orange County jail with credit for 60 days time served. Count 3: 15 years Florida Department of Corrections with credit for 1 year, 246 days jail credit run





concurrent with each count and 3 years minimum/mandatory. Count 4: 30 years Florida Department of Corrections with credit for 1 year, 246 days jail credit run concurrent with each count and 3 years minimum/mandatory.

In CR97-12901, the Defendant was sentenced to 123.5 months Florida Department of Corrections with 523 days jail credit and run consecutive to CR00-2295.

In this instance, on CR00-2295 Count 1, the Court imposed life imprisonment on charges of First Degree Murder. The jury verdict found the Defendant guilty of a lesser included offense Third Degree Murder. When the court's written sentence which conflicts with an oral pronouncement of a sentence or jury verdict is an illegal sentence and a motion alleging such a discrepancy is cognizable in a Rule 3.800. *Wilkins v. State*, 543 So. 2d 800 (Fla. 5th DCA 2003).

In Count 4: The Defendant was wrongly convicted and sentenced for Armed Burglary 810.02(2)(B) Fla. Stat. When the charge indictment was for Burglary of an Occupied Dwelling 810.02(3) Fla. Stat. which the State properly concedes error. Where an offense may be committed in various ways, the evidence must establish it to have been committed in the manner charged in the indictment. The indictment or information may have alleged them in the conjunctive and proof of one would have sufficed. But if one of the statement of facts is alleged it cannot be established by proof of another. *Gaines v. State*, 652 So. 2d 458 (Fla. 4th DCA 1995).

In CR97-12901 the record indicates that the Defendant was convicted of Grand Theft of a motor vehicle, Fla. Stat. 812.014(2)(c)(6), a third degree felony. The Defendant was put on



A guidelines sentence which the incarceration portion of the sentence and the probationary or community control period may not exceed the statutory maximum for the offense. *Garcia v. State*, 666 So. 2d 231 (Fla. 2d DCA 1995). Furthermore, a defendant cannot agree to a sentence that exceeds the statutory maximum.

It is therefore, **ORDERED AND ADJUDGED** that the Defendant's Motion to Correct Illegal Sentence is **GRANTED** and the Defendant is sentenced to 15 years in Department of Corrections on Count 1 and Count 4 Case Number CR-O-2000-CF-02295 and awarded past jail and prison credit run concurrent with each count.

In Count 2 and Count 3, the Defendant's previously imposed sentences shall remain the same, except awarded past jail and past prison credit run concurrent with each count.

An additional the Defendant is sentenced to 5 years in the Florida Department of Corrections in Case Number CR-O-1997-CF-12901 and awarded past jail and past prison credit run concurrent with Case Number CR00-2295.

It is further **ORDERED** that the Clerk of the Circuit Court is directed to provide a certified copy of this order to the Florida Department of Corrections Bureau of Sentence Structure, 2601 Blairstone Road, Tallahassee, Florida 32399-2500.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this 10th day of August 2013, *non pro hac*, May 10, 2010.


CIRCUIT COURT JUDGE



Actions Taken by DOC

- Immediate
 - Additional verifications through Clerks of Court - July 5, 2013
 - Audit (Orange County / Franklin CI) - October 16, 2013
 - Judicial verification process - October 18, 2013
 - Meeting with Clerks of Court Association - October 21 and 28, 2013

- Ongoing
 - Audit (Statewide)- October 24, 2013

Department of Corrections



Questions

777611

July 6, 2011

Sarah Chapel, Correctional Sentence Specialist
Bureau of Admission and Release
Florida Department of Corrections
2601 Blairstone Road
Tallahassee, Florida 32399

Re: State of Florida vs. Dwayne Luke
Case #'s: 08-23585CF10A and 08-22429CF10A

Dear Ms. Chapel:

Please be advised that there is no confusion with respect to Mr. Luke's sentencing. There is no minimum mandatory under 10/20/Life because Mr. Luke was not in actual possession of a firearm.

Being that the Department of Corrections is part of the Executive Branch of Government, your job is to follow the sentencing orders imposed, not to question them. Please do not send inquiries of this nature to this court.

Sincerely,



Paul L. Backman
Circuit Court Judge

Copies furnished:

Tom Coleman, Esq., State Attorney's Office
Heather Henricksen, Esq., State Attorney's Office
Marcus Griggs, Esq., Defense Counsel
Department of Corrections-Central Office Records

RECEIVED
CORRECTIONAL SENTENCE STRUCTURE
11 JUL 15 AM 10:55



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
RICK SCOTT

Secretary
MICHAEL D. CREWS

In Equal Opportunity Employer

501 South Calhoun Street • Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

Tracking No. 52-13-00094

Date October 31, 2013

Judge Keith Meyer
Pinellas County
415 - 17th Ave, N E
Saint Petersburg, Florida 337040000

Re: Rijos, Kilbert
Inmate Name DC# T53804
Case Number: CRC10-21142CFANO and CRC11-21899CFANO

Honorable Judge Meyer,

In the interest of public safety and to safeguard the integrity of the judicial process, the Department requires independent verification by the court of the authenticity of the attached court order. Please review the document to confirm it accurately reflects the order of the court and has been properly recorded in the official record of the Clerk of Court. If the order is accurate and properly recorded, please sign below and return to the Department. We will be unable to execute the order and alter the agency record until this has been received.

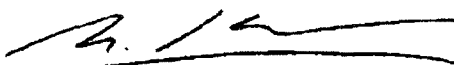
Thank you for your cooperation in this effort to enhance public safety.

I, the undersigned, do hereby acknowledge that the attached court action as to case #(s) CRC10-21142CFANO and CRC11-21899CFANO accurately reflects the order of the court and has been properly recorded in the official record of the Clerk of Court.

Circuit Judge Signature

To: D. O. C.

From: Keith Meyer


Keith Meyer
Circuit Judge

The referenced order attached
to your letter is authentic.
I signed the original order
allowing the ~~court~~ additional credit.
Please contact the Clerk of Court
should you require additional information.

533748

<input type="checkbox"/> IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA	
DIVISION: CRIMINAL	CASE NUMBER: 11CF14792
PLAINTIFF STATE OF FLORIDA	VS. DEFENDANT Stephen Mizner
SUPERCEDES ORDER ON BONDS	

This cause coming before the Court on the motion of the defendant for modification of bail, it is therefore:
 ORDERED AND ADJUDGED that the bail of the defendant

charge	<u>Obscene Commun.</u>	modified from	<u>CURRENT</u>	to	<u>27,500</u>
charge	<u>Travel to Meet</u>	modified from		to	<u>27,500</u>
charge	<u>Sex Assault (Attempt)</u>	modified from		to	<u>27,500</u>
charge	<u>Unlawful Use 2way</u>	modified from		to	<u>27,500</u>
charge	<u>Communication</u>	modified from		to	
charge		modified from		to	<u>+ SPR</u>
charge	<u>Def may have phone</u>	modified from		to	<u>3x per week</u>
charge	<u>Contact w/ his</u>	modified from		to	<u>Call ins.</u>
charge	<u>Children</u>	modified from		to	
charge	<u>Alicia Mizner</u>	modified from		to	
	<u>Brittany Mizner</u>				

DONE AND ORDERED this 30 day of 5, 13, at Sarasota County, Florida

SPECIAL CONDITIONS:

☐ Report to Probation - ☐ Immediately ☐ Daily ☐ Weekly

☒ Not to leave Sarasota/Monroe Counties

☒ Reside with or at Uncle Dennis Keenan 3410 Meadow Creek Ln
SARASOTA FL

☐ To obtain gainful employment

☐ No alcohol consumption 1 SPR can have law enforcement search
Uncle's computer for predator

☐ No contact with victim(s) or victim's family directly or indirectly (Def agrees) Uncle Agrees

☐ If defendant has been previously placed on Supervised Pretrial Release in this case, all previously ordered conditions of Pretrial Release shall remain in effect, unless specifically ordered otherwise in this order.

☐ Defendant to report to ☐ Court Intervention Program ☐ Health Care Court to begin participation.

☒ Other Do not apply for passport. Do not own
any device that has access to internet.

FILED FOR RECORD STAMP

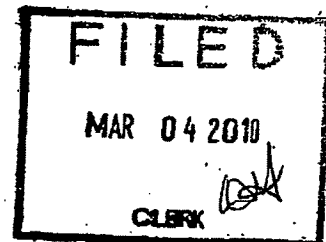
Fredrick P. McLucas
 Judge
 Def must surrender Self upon any affor.
 Must comply w/ all laws + requirements
 of order designating
 Sexual predator

Criminal/Bondord.doc
 Revised 5/10

B05757

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CRIMINAL DIVISION 01
CASE NO: F07-25263



STATE OF FLORIDA,

Plaintiff,

vs.

Marcus Johnson

Defendant(s).

ORDER
GRANTING/DENYING
STATE'S/DEFENDANT'S

Petition for Emergency
Mandamus to Accredit
Jail Time Credit to
Commensurate with the orally
Pronounced Sentence

THIS CAUSE having come on to be heard on March 4, 2010
on State's/Defendant's ~~Motion~~
Petition for Emergency Mandamus to Accredit Jail time Credit to
Commensurate with the orally Pronounced sentence.
and the Court having heard argument of counsel, and being otherwise advised in the
premises, it is hereupon

ORDERED AND ADJUDICATED that said Motion be, and the same is hereby
Granted. The defendant is entitled to all credit for time
devoid to run concurrent, not interminous, with
case # F02-156.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 4th
day of March, 2010

VERIFIED BY: CCIS
CLERK'S OFFICE Miami-Dade COUNTY

Juxen 3/18/10
NAME DATE

Nushir G. Sayfie
CIRCUIT COURT JUDGE

623263
90 ARU
BUREAU OF
SENTENCE STRUCTURE

11 JAN -4 AM 10: 50

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN
AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA,

vs.

CASE NO.: 1991CF3675

SPN: 59264

KEVIN J. ISSAC ,

FIRST DCA CASE NO.: 1D10-4925

Defendant.
_____ /

**ORDER GRANTING MOTION FOR CLARIFICATION OF SENTENCE
AND AMENDED PETITION FOR CLARIFICATION OF SENTENCE**

THIS CAUSE came before the Court upon Defendant's Motion for Clarification of Sentence filed Feb. 26, 2010, and Amended Petition for Clarification of Sentence filed July 14, 2010. Because the motions challenge the correctness of the sentence, the Court will treat the motions as motions to correct sentence filed under Florida Rule of Criminal Procedure 3.800(a). The State filed a Response to Defendant's 3.800 Motion on Nov. 30, 2010. The Court, having considered the motions and response, reviewed the court record, and being otherwise fully advised, hereby finds as follows:

On May 19, 1992, Defendant was found guilty by a jury of attempted murder of a law enforcement officer (Count II), among other things. On June 19, 1992, he was sentenced to 27 years Department of Corrections incarceration for the attempted murder conviction with 25 years mandatory minimum before release. The First District Court of Appeal affirmed Defendant's conviction and sentence. *Issac v. State*, 26 So. 2d 1082 (1st DCA 1993).

Defendant alleges that his sentencing document erroneously indicates he was ordered to "serve a minimum of 25 years before release in accordance with Florida Statute 775.0823," and asserts he was actually sentenced to the 25-year mandatory minimum pursuant to sec. 775.0825,

which expressly applies to attempted murder of a law enforcement officer. Defendant is correct that sec. 775.0825 states "[a]ny person convicted of attempted murder of a law enforcement officer as provided in s. 784.07(3) shall be required to serve no less than 25 years before becoming eligible for parole." § 775.0825, Fla. Stat. (1991).

Defendant was charged by amended information with attempted murder of a law enforcement officer while engaged in the perpetration of a robbery in violation of sections 777.04 (attempt), 782.04(1) (murder in the first degree), and 784.07(3) (attempted murder of a law enforcement officer), and was found guilty as charged. Sec. 784.07(3) provides that "any person who is convicted of attempted murder of a law enforcement officer . . . shall be guilty of a life felony, punishable as provided in s. 775.0825." § 784.07(3), Fla. Stat. (1991). The sentencing transcript indicates that Defendant was sentenced in accordance with sections 784.07(3) and 775.0825.

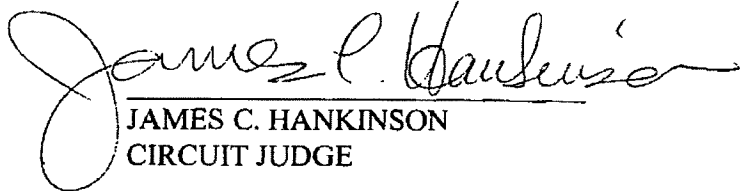
Defendant requests that the Court correct the discrepancy between the Court's oral pronouncement and the written sentence. The State concedes this scrivener's error. Accordingly, Defendant's motion is granted and a corrected judgment and sentence document will be issued.

It is therefore

ORDERED AND ADJUDGED that Defendant's Motion for Clarification of Sentence filed Feb. 26, 2010, and Amended Petition for Clarification of Sentence filed July 14, 2010, are hereby **GRANTED**. The Clerk of Court is directed to enter a corrected sentencing document reflecting that Defendant is required to serve no less than 25 years before becoming eligible for parole pursuant to sec. 775.0825, Florida Statutes (1991), and that

Defendant is no longer ordered to serve a minimum of 25 years before release in accordance with sec. 775.0823, Florida Statutes (1991). All other provisions of the sentence are to remain unchanged.

DONE AND ORDERED this 3rd day of January, 2011.


JAMES C. HANKINSON
CIRCUIT JUDGE

Copies to:

Kevin J. Issac - 623263
Moore Haven Correctional Institution
P.O. Box 718501
Moore Haven, FL 33471-5501

Department of Corrections - Sentence Structure
ATTN: Court Orders
2601 Blair Stone Rd.
Tallahassee, FL 32399

State Attorney's Office

Lee Todd
Office of the Attorney General
PL01 - The Capitol
Tallahassee, Florida 32399-1050

First District Court of Appeal
2000 Drayton Dr.
Tallahassee, FL 32399-0950

UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

The Circuit Court of Pasco
in the Fall Term, 1987, in the case of

State of Florida

vs

8603288CFAWS
spn 79090

Louis Bottorf
Defendant

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE
SHERIFF OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID
STATE, GREETING:

The above named defendant having been duly charged with the offense specified herein
in the above styled Court, and he having been duly convicted and adjudged guilty of and
sentenced for said offense by said Court, as appears from the attached certified copies of
~~and~~ ~~information~~ Information, Judgement and Sentence, ~~and~~ ~~felony~~ ~~Disposition~~ ~~and~~ ~~Sentence~~
~~and~~ ~~from~~ which are hereby made parts hereof;

Now therefore, this is to command you, the said Sheriff, to take and keep and, within
a reasonable time after receiving this commitment, safely deliver the said defendant, to-
gether with any pertinent Investigation Report prepared in this case, into the custody of
the Department of Corrections of the State of Florida; and this is to command you, the
said Department of Corrections, by and through your Secretary, Regional Directors, Super-
intendents, and other officials, to keep and safely imprison the said defendant for the term
of said sentence in the institution in the state correctional system to which you, the said
Department of Corrections, may cause the said defendant to be conveyed or thereafter
transferred. And these presents shall be your authority for the same. Herein fail not.

WITNESS the Honorable Lawrence E. Keough
Judge of said Court, as also _____
Clerk, and the Seal thereof, this the 7th day of
December, 1987.
(Month)

_____, CLERK
By: [Signature]
Deputy Clerk

Pasco COUNTY, FLORIDA

DIVISION Delony

CASE NUMBER 8403288 CA 1900'S
4-27-79 080

STATE OF FLORIDA

-vs-

Louis Bottoy
Defendant

THIS 74 10 September 19
1979

by [Signature]

JUDGMENT

The Defendant, Louis Bottoy, being personally before this
Court represented by Stephen [Signature], his attorney of record, and having:

- (Check Applicable Provision)
- ☒ Been tried and found guilty of the following crime(s)
 - ☐ Entered a plea of guilty to the following crime(s)
 - ☐ Entered a plea of nolo contendere to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME	CASE NUMBER
<u>I</u>	<u>Armed Burglary</u>	<u>810.02</u>	<u>1F</u>	
<u>II</u>	<u>Armed Robbery</u>	<u>812.13 (2) (b)</u>	<u>1F</u>	

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

The Defendant is hereby ordered to pay the sum of twenty 20.00 dollars ~~XXXXXX~~ pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of three 3.00 dollars ~~XXXXXX~~ as a court cost pursuant to F.S. 943.25(4).

☒ The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 934.25(8).
(this provision is optional; not applicable unless checked.)

(Check if Applicable) ☐ The Defendant is further ordered to pay a fine in the sum of \$ _____ pursuant to F.S. 775.0835.
(This provision refers to the optional fine for the Crimes Compensation Trust Fund, and is not applicable unless checked and completed. Fines imposed as part of a sentence pursuant to F.S. 775.083 are to be recorded on the Sentence page(s)).

☒ The Court hereby imposes additional court costs in the sum of \$ 200.00 pursuant to FS27.3455
DEFENDANT FOUND INDIGENT FOR PURPOSES OF COURT COSTS

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN
AND FOR PALM BEACH COUNTY,
CRIMINAL DIVISION

CASE NO.: 03 9160 CF A02
DIVISION: "T"

STATE OF FLORIDA

vs.

LEON M. GAINES,

Defendant.

FILED
2008 FEB 11 AM 10:57
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

**AGREED ORDER ON DEFENDANT'S MOTION
TO CORRECT SENTENCE**

THIS CAUSE having come before the Court on agreement between the parties, and the Court being otherwise duly informed in the premises, this Court

FINDS:

1. The Defendant plead guilty in this cause and was sentenced to 30 years. Said sentence was to run concurrent with a federal sentence in: Florida, Northern District, Case No. 04-80051CR Hurley.
2. The Defendant is currently serving his State sentence and receiving no credit for his federal sentence as contemplated by the plea agreement.

It is therefore,

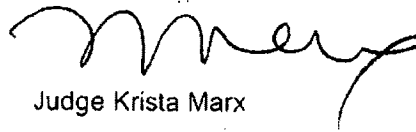
ORDERED AND ADJUDGED:

1. The sentence entered by this Court on May 10, 2005 is hereby vacated.
2. Sentencing is suspended until such time as the Defendant completes his sentence in Case No. 04-80051 CR Hurley.
3. Upon completion of his federal sentence, the Defendant will be re-sentenced as contemplated by the plea agreement.

DONE AND ORDERED, in Chambers in Palm Beach County, Florida, 11 day of

vr- FEB 12 2008
469

February, 2008.


Judge Krista Marx

Copies furnished to:

Aleathea McRoberts, Esquire, Assistant State Attorney, 401 North Dixie Highway, West Palm Beach, FL 33401

Ann H. Perry, Esquire, 400 Executive Center Drive, Suite 207, West Palm Beach, FL 33401
Department of Corrections, Everglades C.I. 1601 SW 187 Avenue, Miami, FL 33185-3701

FAX TO JAIL

2/11/08

547823

Division CR-D

Book 10060 Page 1557

Case Number 2000- 6301-CF-A

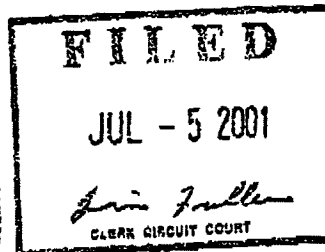
____ Probation Violator
____ Community Control Violator
____ Retrial
____ Resentence

State of Florida
v
ANTONIO TAVARUS BRIGHT

Defendant
Book 10253 Page 2225

RE-RECORD

RE-RECORD
Book 2001309017
Book: 10253
Pages: 2225 - 2233
Filed & Recorded
12/05/2001 04:07:26 PM
JIN FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY



Doc# 2001167090
Book: 10060
Pages: 1557 - 156
Filed & Recorded
07/10/2001 09:50:04 AM
JIN FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY

Sentence of 7.5.01
Set Aside New Sentence
Imposed 4.2.2012
by Judge W. Hines.

The defendant, ANTONIO TAVARUS BRIGHT, being personally before this court
represented by Rene Hernandez, the attorney of record, and the state
represented by Matt Blake, and having

- ☒ been tried and found guilty by jury/~~by court~~ of the following crime(s) **Ct 1**
____ entered a plea of guilty to the following crime(s)
____ entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
1	Armed Robbery	812.13(2)(A) 775.087(2)(A)1	1st	Felony	
	Instr #: 2012071833 BK: 15899 PAGES 1607-1616 RECORDED 04/03/2012 10:55 Clerk of Courts Duval County Florida ERecord-smithed				

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED that the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch 794), lewd and lascivious conduct (ch. 800), or murder (s. 782.04), aggravated battery (s. 784.045), carjacking (s. 812.133), or home invasion robbery (s. 812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

000024

Page 1 of 9

RE-RECORD

State of Florida -
v.

ANTONIO TAVARUS BRIGHT

Case Number 2000- 6301-CF-A











Book 10060 Page 1558

Defendant

Imposition of Sentence _____
Stayed and Withheld
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation/community control for a period of _____ under the supervision of the Department of Corrections (conditions of probation/community control set forth in separate order.)

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by:

Charles C. Lavant
Name

Bailiff
Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, ANTONIO TAVARUS BRIGHT, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida,
this 8 day of March, 2001

Laura R. Day
Judge

24A
Page 2 of 9

Probation Violator

In the Circuit Court, Fourth Judicial Circuit,

Community Control Violator

in and for Duval County, Florida

Retrial

Division Cr-D

Resentence

Case Number 2000-6301-CF-A

RE-RECORD

State of Florida

FILED

JUL - 5 2001

J. J. Fuller
CLERK CIRCUIT COURT

Book 10253 Page 2227

ANTONIO TAVARUS BRIGHT

Defendant

Ct 3

JUDGMENT

The defendant, ANTONIO TAVARUS BRIGHT, being personally before this court represented by JAMES HERNANDEZ, the attorney of record, and the state represented by MATT O'KEEFE, and having

XX been tried and found guilty by jury/~~by court~~ of the following crime(s) Count #3

 entered a plea of guilty to the following crime(s)

 entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
3	ARMED ROBBERY	812.13(2)(A)	1pbl	felony	
		775.087			

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED that the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) the defendant shall be required to submit blood specimens.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

000025

Page 3 of 9

L 236

State of Florida

v.

ANTONIO TAVARUS BRIGHT

Case Number 2000-6301-CF











Defendant

Book 10253 Page 2228 RE-RECORD

Imposition of Sentence _____
 Stayed and Withheld
 (Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation/community control for a period of _____ under the supervision of the Department of Corrections (conditions of probation/community control set forth in separate order.)

FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by:

H.D. Bright

Name


Carm. Bright

Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, ANTONIO TAVARUS BRIGHT, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida,
 this 19 day of June, 2001

237 25A


 Judge

Page 4 of 9

Form CCFB0A

STATE OF FLORIDA

In the Circuit Court, Fourth Judicial Circuit,
in and for Duval County, Florida
Division CR-D
Case Number 2000- 6301-CF-A

ANTONIO TAVARUS BRIGHT

Defendant

Book 10253 Page 2229 RE-RECORD

Set Aside on 4.2.12 - converted to Civil Judgment.
CHARGES/COSTS/FEES

The defendant is hereby ordered to pay the following sums if checked:

- ☒ \$50.00 pursuant to section 938.03, Florida Statutes (Crimes Compensation Trust Fund). *MD 4.2.12*
- ☒ \$3.00 as a court cost pursuant to section 938.01(1), Florida Statutes (Additional Court Cost Clearing Trust Fund).
- ☐ \$2.00 as a court cost pursuant to section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties).
- ☐ A fine in the sum of \$ _____ pursuant to section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crimes Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as a part of a sentence to section 775.083, Florida Statutes are to be recorded on the sentence page(s).)
- ☐ \$20.00 pursuant to section 938.09, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- ☐ A 10% surcharge in the sum of \$ _____ pursuant to section 938.11, Florida Statutes (Handicapped and Elderly Security Assistance Trust Fund).
- ☐ A sum of \$ _____ pursuant to section 938.27, Florida Statutes (Prosecution/Investigative Costs).
- ☐ A sum of \$ _____ pursuant to section 938.29, Florida Statutes (Public Defender Fees).
- ☐ \$15.00 pursuant to 938.13, Florida Statutes, Misd. convictions involving drugs or alcohol.
- ☒ \$200.00 pursuant to section 938.05, Florida Statutes (Local Government Criminal Justice Trust Fund).
- ☐ A sum of \$ _____ pursuant to 938.04, Florida Statutes (additional cost - 5% of fine).
- ☐ \$135.00 pursuant to section 938.07, Florida Statutes (EMS - DUI cases).
- ☐ \$100.00 pursuant to section 938.25, Florida Statutes, (FDLE Operating Trust Fund).
- ☐ A sum of \$ _____ pursuant to 938.23, Florida Statutes, (Grants For Alcohol & Other Drug Abuse Program - Drug Abuse Trust Fund).
- ☐ A sum of \$ _____ pursuant to 939.18, Florida Statutes, (Assessment of Additional Court Costs for Court Facilities - not to exceed \$150.00).
- ☐ Restitution in accordance with attached order.
- ☐ A sum of \$20 pursuant to 938.06, Florida Statutes, (Assessment of Additional Court Costs for Crime Stoppers Trust Fund - not to exceed \$500.00).
- ☒ Other *Over \$10,000.00* **ATTY LEIN IMPOSED.**

DONE AND ORDERED in open court in Jacksonville, Duval County, Florida, this

day of

*July**01*

Judge

000026

Page

of

9

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Defendant ANTONIO TAVARUS BRIGHT Case Number 2000- 6301-CF-A OBIS Number 0012680435

SENTENCE

RE-RECORD

(As to Count 1)

Book 10060 Page 1562

The defendant, being personally before this court, accompanied by the defendant's attorney, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(Check one if applicable.)

- ☐ and the court having on _____ (date) deferred imposition of sentence until this date.
- ☐ and the court having previously entered a judgment in this case on _____ (date) now resentsences the defendant
- ☐ and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It Is The Sentence Of The Court That:

- ☒ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes plus _____ as the 5% surcharge required by 938.04, Florida Statutes.
- ☐ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Duval County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To be Imprisoned (Check one; unmarked sections are inapplicable):

- ☒ For a term of natural life.
- ☐ For a term of 25 years
- ☐ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

OTHER PROVISIONS

- Retention of Jurisdiction** ☐ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes.
- Jail Credit** ☒ It is further ordered that the defendant shall be allowed a total of 15 1/2 days as credit for time incarcerated before imposition of this sentence. *by stip.*
- Prison Credit** ☒ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing. *(includes all prior DCJ + PSP credit) MW 4-2-12*
- Consecutive/ Concurrent As To Other Counts** ☐ It is further ordered that the sentence imposed for this count shall run (check one) _____ consecutive to _____ concurrent with the sentence set forth in count _____ of this case.

000027

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Page 6 of 5

Defendant ANTONIO TAVARUS BRIGHT Case Number 2000- 6301-CF-A OBIS Number 0012680435

SENTENCE(As to Count 3 Book 10253 Page 2231 RE-RECORD)

Book 1563 Page 10060

The defendant, being personally before this court, accompanied by the defendant's attorney of record Ames Hernandez, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(Check one if applicable.)

- ☐ and the court having on _____ (date) deferred imposition of sentence until this date.
- ☐ and the court having previously entered a judgment in this case on _____ (date) now resentsences the defendant
- ☐ and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It Is The Sentence Of The Court That:

- ☐ The defendant pay a fine of \$ _____, pursuant to section 775.083, Florida Statutes plus \$ _____ as the 5% surcharge required by 938.04, Florida Statutes.
- ☐ The defendant is hereby committed to the custody of the Department of Corrections.
- ☐ The defendant is hereby committed to the custody of the Sheriff of Duval County, Florida.
- ☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To be Imprisoned (Check one; unmarked sections are inapplicable):

- ☐ For a term of natural life.
- ☒ For a term of Life 25 years
- ☐ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

- ☐ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- ☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

OTHER PROVISIONS**Retention of Jurisdiction**

- ☐ The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes.

Jail Credit

- ☒ It is further ordered that the defendant shall be allowed a total of 15 years by stip. days as credit for time incarcerated before imposition of this sentence. (includes all prior DC + FSP credit)

Prison Credit

- ☒ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Consecutive/ Concurrent As To Other Counts

- ☒ It is further ordered that the sentence imposed for this count shall run (check one) concurrent consecutive to concurrent concurrent with the sentence set forth in count _____ of this case.

mw 4.2.12

000028

Page 7 of 9

240

Defendant ANTONIO TAVARUS BEIGHT Case Number 2000-6301-CF**SPECIAL PROVISIONS**

Book 10253 Page 2232 RE-RECORD

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

- Firearm** — It is further ordered that the _____ minimum imprisonment provisions of section 775.087, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking** — It is further ordered that the _____ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance Within 1,000 Feet of School** — It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender** — The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender** — The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Violent Career Criminal** — The Defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(c), Florida Statutes. A minimum term of _____ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- ~~**Prison Releasee Re-Offender**~~ — ~~The Defendant is adjudicated a prison releasee re-offender in accordance with the provisions of section 775.082(8), and must serve 100 percent of the court imposed sentence.~~ *AS TO CRS 143, TO RUN CONSECUTIVE*
- Law Enforcement Protection Act** — It is further ordered that the defendant shall serve a minimum of _____ years before release in accordance with section 775.0823, Florida Statutes.
- Capital Offense** — It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.
- Short-Barreled Rifle, Shotgun, Machine Gun** — It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Continuing Criminal Enterprise** — It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

Strike this provision by stipulation. mn 4.2.12

000029

Page 8 of 9

Defendant ANTONIO TAVARUS BRIGHT

Case Number 2000- 6301-CF-A

OTHER PROVISIONS

Book 10253 Page 2233 RE-RECORD

Book 10060 Page 1565

**Consecutive/
Concurrent
As To Other
Convictions**

____ It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run
(check one) ____ consecutive to ____ concurrent
with the following:
(check one)

— any active sentence being served.

 specific sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of Duval County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends

DONE AND ORDERED in open court at Jacksonville, Duval County, Florida, this day of July, 01.

Judge

000030

Page 4 of 4

Document in IRIS (Inmate Records Imaging System)

~~242~~

IN THE CIRCUIT OF THE 9TH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

Vs.

Charles D Frazier
Defendant.

Case No.: 48-00-CF-2082-AOX / 48-11-CF-6739-AOX

MOTION TO CLARIFY SENTENCE

Come now, Defendant, Charles D Frazier, Pro SE, pursuant to 3.700 (a) Fla. R. Crim. P. Rule and moves this Honorable Court to clarify Defendant's sentence as imposed herein:

PORTION OF SENTENCE TO BE CLARIFIED

I, Charles D Frazier during July 2011 obtained a lawyer named Leslie Sweet, who represented me on a Violation of Probation charge. I was sentenced to (11 ½) 5 years probation. I made an open Plea Agreement to you for (150) months with all my day-for-day, all gained-time received in prison plus jail time served. For some reason Classification and Tallahassee will not honor the Plea Agreement records that were written in your court. My Classification Office here at Franklin Correction Institute, informed me since the total amount of days and months were omitted on my Plea Agreement/ Judgment Commitment Order, they, (Tallahassee or my classification officer), will honor Judge Gail Adams' Plea Agreement.

WHEREFORE, Defendant respectfully moves this Honorable Court to enter an order that will clarify the present sentence.

FUTHER, Defendant asks this Court to direct the Clerk to send a copy of the order to the Florida Department of Correction, Bureau of Sentence Structure, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, and a copy to the Classification Department Office, at 1760 Highway 67 North, Carrabelle, Florida 32322, and a copy to the Defendant.

Respectfully Submitted:

/s/ Charles D. Frazier
Defendant, *pro se*.

CERTIFICATE OF SERVICE

I **HERE BY CERTIFY** that I placed this document in the hand of the Mailroom personnel, at Franklin Correction Institution for mailing to: Orange County Clerk of Court, 425 North Orange Avenue, Orlando, Florida 32801. on this 15th Day of November 20 11.

/s/ Charles D. Frazier
Defendaot, *pro se*.

-2-

Motion
Charles D Frazier

UNNOTARIZED OATH

UNDER THE PENALTY OF PERJURY, I declare that I have read the foregoing, and the facts as set forth and alleged therein are true and correct. See: section 92.525(2), FLA Stat. (2011).

Executed this 15th day of November, 2011, by the undersigned.

Name Charles D. Frazier, pro se
DC# 058526 Dorm C-1-156
#0548526
Franklin Correctional Institution
1760 Highway 67 North
Carrabelle, Florida 32322

Encls.

STATE OF FLORIDA
Plaintiff,

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA
CASE NO. 2000-CF-2082-A-O

vs.
CHARLES D. FRAZIER .
Defendant.

VOP DIVISION 23

ORDER CORRECTING THE CREDIT FOR TIME SERVED

THIS CAUSE to be heard on the Court's own motion and the Court finds the following:

1. That on or about December 2010 the Court received a memorandum from the Department of Corrections (DOC) that led the Court to believe the Department of Corrections would not be requiring Defendants, who were sentenced on a violation of probation to additional prison time, to repay good or gain time. The Court may have relayed this mis-information to the Defendant at the time of sentencing.

2. That on June 20, 2011, the defendant was sentenced to 150 months with credit for his/her previous DOC time plus an additional 34 days for time in the county jail since the arrest on the violation of probation.

3. In order to remove any mis-statement or misunderstanding as to the defendant's prior credit for time served the Court is amending the Sentencing Order.

4. As originally ordered, this case is concurrent with 2011-CF-6739.

CONSIDERED, ORDERED AND ADJUDGED, to reflect the appropriate credit for time previously served, the Court hereby orders DOC to give credit for time served for the defendant to be 11.48 years plus 34 days as of June 20, 2011 (date of sentence) with no credit for the previous prison sentence.

DONE AND ORDERED in Chambers, this 5th day of December, 2011.


GAIL A. ADAMS
CIRCUIT COURT JUDGE

COPIES FURNISHED TO:

Assistant State Attorney, VOP Division 23; Assistant Public Defender, VOP Division 23
Defendant, Charles Frazier, DC# 0548526, Franklin Correctional Institution, 1760
Highway 67 North, Carrabelle, FL 32322
Department of Corrections

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,

Plaintiff

v

JEFFERY FORBES,

Defendant,

Case No 48-2005-CF-16893-0

48-2005-CF-9077-0

48-2005-CF-8736-0

48-2002-CF-4949-0

48-2001-CF-4752-0

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Lawson Lamar, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable law this Court finds the following

05-CF-16893, the Defendant was convicted of Attempted First Degree Murder (Count One) and Resisting an Officer with Violence (Count Two)

05-CF-9077, the Defendant was convicted of Burglary of a Dwelling (Count One), Battery (Count Two), and Interference with Custody (Count Three)

05-CF-8736, the Defendant was convicted of Possession of Cocaine

01-CF-4752 and 02-CF-4949, the Defendant was convicted of Violation of Probation

In 05-CF-16893 the Defendant was sentenced to life imprisonment in Count One and Count Two thirty (30) years Florida Department of Corrections with ten (10) years minimum mandatory as a Habitual Violent Felony Offender with zero (0) days jail credit and run concurrent with Count One but consecutive to any active sentence 05-CF-9077, 05-CF-8736 01-CF-4752, and 02-CF-4949

In 05-CF-9077 the Defendant was sentenced on the same day to thirty (30) years Florida Department of Corrections with ten (10) years minimum mandatory as a Habitual Violent Felony Offender with 274 days jail credit in Count One 274 days credit in Orange County jail with 274 days jail credit time served in Count Two and Count Three ten (10) years Florida Department of Corrections with five (5) years minimum mandatory as a Habitual Violent Felony Offender with 274 days jail credit and run concurrent with Count One, but consecutive to any active sentence 05-CF-16893, 05-CF-8736 01-CF-4752, and 02-CF-4949

In 05-CF-8736 the Defendant was sentenced to thirteen (13) months Florida Department of Corrections with 274 days jail credit and run concurrent with case nos 01-CF-4752 and 02-CF-4949, but consecutive to any active sentence 05-CF-16893 and 05-CF-9077

In 01-CF-4752 and 02-CF-4949 the Defendant was sentenced to fifteen (15) years Florida Department of Corrections with 946 days past jail credit and 274 days current jail credit and run concurrent with case no 05-CF-8736, but consecutive to any active sentence 05-CF-16893 and 05-CF-9077

In this instance on 05-CF-16893 Count One the Court imposed life imprisonment with twenty-five (25) years minimum mandatory on the charge of Attempted First Degree Murder but the original information and indictment charged the Defendant with Attempted Second Degree Murder, Fla Stat 782.04(2) a second degree felony The maximum statutory sentence fifteen (15) years thirty (30) years as a (HVFO) An accused cannot be indicted for one offense and convicted and sentenced for another even though the offenses are closely related and of the same general nature or character and punishable by the same grade of punishment See *Cumtly v State*, 922 So 2d 276 (Fla 4th DCA 2006)

The Defendant had been classified as a Habitual Violent Felony Offender (HVFO) and qualified for enhanced penalty under Fla Statute 775.084(4)(c). The Court files showed, the Defendant qualified as a (HVFO) based on two (2) prior convictions of Robbery with a Firearm while Wearing Mask. The Orange County Sheriff's Office affidavit and report had substantiated the offenses arisen from one criminal episode. Supreme Court holding that court may not impose habitual offender sentences for offenses committed during single criminal episode applies to both Habitual Felony and Habitual Violent Felony sentencing. See *Hale v. State*, 630 So 2d 521 (Fla 4th DCA 1993).

The Defendant's probationary files showed the Defendant violated his probation on three (3) separate occasions. In one particular instance the probation officer had submitted a sworn affidavit alleging a violation before the Court, but no Notice of hearing was served on Defendant or a hearing held into probation officer's claims. Thus the Court found no violation yet proceeded to enhance the terms of Defendant's probation.

Absent proof of violation, Court cannot change order of probation or community control by enhancing term thereof even if Defendant has agreed in writing with probation officer to allow modification and has waived notice of hearing. See *Clark v. State* 579 So 2d 109 (Fla 1st DCA 1991).

Therefore it is ORDERED AND ADJUDGED that State motion is GRANTED.

1. In 2005-CF-16893 Count One the Defendant is sentenced to 84 80 months Florida Department of Corrections with 274 days jail credit and Count Two sixty (60) months Florida Department of Corrections with 274 days jail credit and both counts run concurrent with all cases.

- 2 In 2005-CF-9077, Counts One and Three the Defendant is sentenced to sixty (60) months Florida Department of Corrections with 274 days jail credit and run concurrent with all cases
- 3 In 2001-CF-4752 and 2002-CF-4949 the Defendant is sentenced to sixty (60) months Florida Department of Corrections with 946 days past jail credit and 274 days current jail credit run concurrent with all cases,
- 4 In 2005-CF-8736 the Defendant's previously imposed sentence shall remain the same in all other respects but run concurrent with all cases and
- 5 With respect to Habitual Violent Felony Offender (HVFO) and minimum mandatory sentences in the Defendant's cases is hereby vacated and set-aside

Additional it is ORDERED that the Clerk of the Circuit Court is directed to provide a certified copy of this Order to the Florida Department of Corrections, Bureau of Sentence Structure 2601 Blau Stone Road, Tallahassee Florida 32399-2500

DONE AND ORDERED in chambers at Orlando Orange County, Florida this 6 day
of January 2011.


Circuit Court Judge

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA**

STATE OF FLORIDA,

v.

Case No.: CR-O-99-5467/A

**CHARLES BERNARD WALKER,
Defendant.**

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Jeffery L. Ashton, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable Law this court finds the following:

1. CR-O-99-5467/A The Defendant was convicted of Second Degree Murder 782.04 (2)

In CR-O-99-5467/A The Defendant was sentenced to life imprisonment in the Florida Department of Corrections with credit for 1 year, 354 days jail credit and 3 years minimum/mandatory.

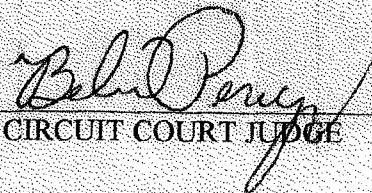
In this instance, on CR-O-99-5467/A The courts imposed life imprisonment on charges of second degree murder. The jury's verdict found the defendant guilty of lesser included offense, Third degree murder. When the courts written sentence which conflicts with an oral pronouncement of a sentence or jury verdict is an illegal sentence, and a motion alleging such a

discrepancy is cognizable in a rule 3.800. See *Wilkins v. State*, 543 So. 2d 800 (Fla. 5th DCA 2003).

It is therefore, **ORDERED AND ADJUDGED** that the Defendant's Motion to Correct Illegal Sentence is **GRANTED** and the Defendant is sentenced to 15 years in Department of Corrections and awarded all past jail and prison credit.

It is further **ORDERED** that the Clerk of the Circuit Court is directed to provide a certified copy of this order to the Florida Department of Corrections Bureau of Sentence Structure, 2601 Blainstone Road, Tallahassee, Florida 32399-2500.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this 25 day of Sept 2013, *non pro tunc*, April 2001.


CIRCUIT COURT JUDGE

113

DC# X05662
Life

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

v.

Case No.:

CR-O-2000-CF-02295-A
CR-O-1997-CF-12901-A

JOSEPH IVAN JENKINS,
Defendant.

BUREAU OF
SENTENCE STRUCTURE
13 SEP 27 PM 1:29

ORDER GRANTING MOTION TO CORRECT ILLEGAL SENTENCE

This Cause comes before this Court by and through Jeffery L. Ashton, State Attorney for the Ninth Judicial Circuit of Florida and pursuant to Florida Rules of Criminal Procedure 3.800(a) and moves this Court for an Order correcting the Defendant's illegal sentence. The Court being otherwise advised in the premises, reviewed record, and applicable Law this court finds the following:

1. CR00-02295 The Defendant was convicted of First Degree Murder (Count 1); Count 2, Petit Theft; Count 3, Attempted Armed Robbery; and Count 4, Armed Burglary.

2. CR97-12901 The Defendant was convicted of Violation of Probation.

In CR00-2295 Count 1: The Defendant was sentenced to life imprisonment with credit for 1 year, 246 days jail credit run concurrent with each count and 3 years minimum/mandatory. Count 2: 60 days in the Orange County jail with credit for 60 days time served. Count 3: 15 years Florida Department of Corrections with credit for 1 year, 246 days jail credit run

Doc

concurrent with each count and 3 years minimum/mandatory. Count 4: 30 years Florida Department of Corrections with credit for 1 year, 246 days jail credit run concurrent with each count and 3 years minimum/mandatory.

In CR97-12901, the Defendant was sentenced to 123.5 months Florida Department of Corrections with 523 days jail credit and run consecutive to CR00-2295.

In this instance, on CR00-2295 Count 1, the Court imposed life imprisonment on charges of First Degree Murder. The jury verdict found the Defendant guilty of a lesser included offense Third Degree Murder. When the court's written sentence which conflicts with an oral pronouncement of a sentence or jury verdict is an illegal sentence and a motion alleging such a discrepancy is cognizable in a Rule 3.800. *Wilkins v. State*, 543 So. 2d 800 (Fla. 5th DCA 2003).

In Count 4: The Defendant was wrongly convicted and sentenced for Armed Burglary 810.02(2)(B) Fla. Stat. When the charge indictment was for Burglary of an Occupied Dwelling 810.02(3) Fla. Stat. which the State properly concedes error. Where an offense may be committed in various ways, the evidence must establish it to have been committed in the manner charged in the indictment. The indictment or information may have alleged them in the conjunctive and proof of one would have sufficed. But if one of the statement of facts is alleged it cannot be established by proof of another. *Gaines v. State*, 652 So. 2d 458 (Fla. 4th DCA 1995).

In CR97-12901 the record indicates that the Defendant was convicted of Grand Theft of a motor vehicle, Fla. Stat. 812.014(2)(c)(6), a third degree felony. The Defendant was put on

A guidelines sentence which the incarcerative portion of the sentence and the probationary or community control period may not exceed the statutory maximum for the offense. *Garcia v. State*, 666 So. 2d 231 (Fla. 2d DCA 1995). Furthermore, a defendant cannot agree to a sentence that exceeds the statutory maximum.

It is therefore, **ORDERED AND ADJUDGED** that the Defendant's Motion to Correct Illegal Sentence is **GRANTED** and the Defendant is sentenced to 15 years in Department of Corrections on Count 1 and Count 4 Case Number CR-O-2000-CF-02295 and awarded past jail and prison credit run concurrent with each count.

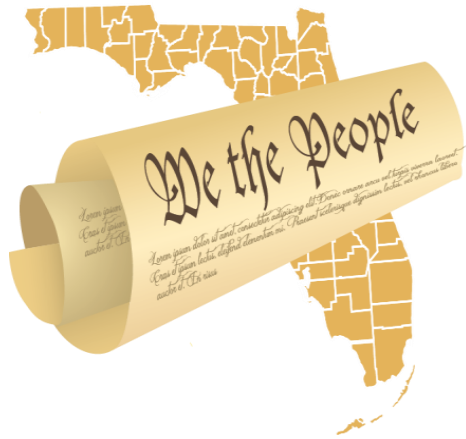
In Count 2 and Count 3, the Defendant's previously imposed sentences shall remain the same, except awarded past jail and past prison credit run concurrent with each count.

An additional the Defendant is sentenced to 5 years in the Florida Department of Corrections in Case Number CR-O-1997-CF-12901 and awarded past jail and past prison credit run concurrent with Case Number CR00-2295.

It is further **ORDERED** that the Clerk of the Circuit Court is directed to provide a certified copy of this order to the Florida Department of Corrections Bureau of Sentence Structure, 2601 Blainstone Road, Tallahassee, Florida 32399-2500.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida, this 14th day of August 2013, *non pro tunc*, May 10, 2000.


CIRCUIT COURT JUDGE

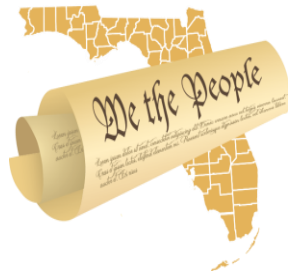


FLORIDA
**COURT CLERKS &
COMPTROLLERS**

Senate Criminal Justice Committee

Hon. Karen Rushing (Sarasota)

Legislative Committee Chair



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

FRAUDULENT DOCUMENTS:

Document Processing and Fraud Prevention Standards

Document Processing

Fraud Prevention Standards

1. Establish a secure process for delivery of documents between the Judge and the Clerk.
2. Establish a secure location in a non-public work area to process documents.
3. Establish a secure process for delivery/receiving documents from the State Attorney and local detention/jail facilities.

Clerk Reviews Orders for Unusual Circumstances

1. Unusual signature
2. Incorrect spellings
3. Incorrect court type/document style

Verify and Report Orders

1. Clerk reports all Orders received outside the secure delivery method to the Court.
2. Clerk reports any unusual Orders to the Court.
3. Clerk verifies with the Court **ALL** Orders that:
 - Modify/reduce/change sentence
 - Release Defendant

Verification & Reporting:

Sending notification form to Court

1. Adoption of a statewide form for notifying the Court.
2. Adoption of a uniform procedure for filing such notification forms.
3. Adoption of uniform procedure for notification to DOC of order verification.

**CLERK of COURT
VERIFICATION OF ORDER TRANSMITTAL FORM**

Case Number: _____

Defendant name: _____
Last First Middle

Type of Order:

Modify Sentence	<input type="checkbox"/>
Reduce Sentence	<input type="checkbox"/>
Change Sentence	<input type="checkbox"/>
Release	<input type="checkbox"/>

_____/_____/_____
Date Order Issued

Name of Deputy Clerk completing form

Provide completed form to the judicial assistant, with copy to the assigned Judge.

FOR COURT USE ONLY

COURT VERIFICATION OF ORDER

☐ **VERIFIED AS LEGITIMATE** Date: ____/____/____

By: _____

Title: _____

☐ **NOT LEGITIMATE*** Date: ____/____/____

By: _____

Title: _____

**Upon a receipt of a "not legitimate" verification of order form, the Clerk of Court is directed to immediately notify the Chief Judge. Copy provided to DOC/jail facility.*



**Notification
form**



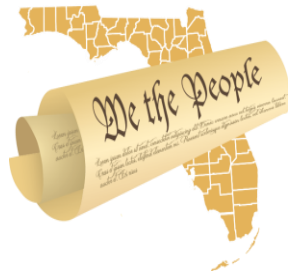
**FLORIDA
COURT CLERKS &
COMPTROLLERS**

E-filing Security Standards

1. In 2010, The Florida Courts E-Filing Authority was established by interlocal agreement between the Clerks and the Courts, in accordance with Chapter 163, F.S.
2. The Supreme Court mandated e-filing for criminal cases to begin no later than February 3, 2014.

E-filing Security Standards

3. Florida Bar members are authorized to use the statewide e-filing system. They are authenticated through use of their bar number.
4. The statewide e-filing system has the ability to accommodate authentication of the Judge, allowing for orders to be filed through the statewide e-filing system.
5. Statewide secured electronic transmission of Orders from the Court to the Clerk could be accomplished with the Court's full implementation of the Judicial Viewers.



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

QUESTIONS

Tab 3

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/13

Meeting Date

Topic Fraudulent Court Orders

Bill Number _____
(if applicable)

Name Michael Crews

Amendment Barcode _____
(if applicable)

Job Title Secretary

Address 501 S. Calhoun St.
Street

Phone 717-3045

Tall FL 32399
City State Zip

E-mail Crews.mike@mail.dc.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Representing FL Dept of Corrections

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/13

Meeting Date

Topic Fraudulent Court Orders

Bill Number _____
(if applicable)

Name Lee Adams

Amendment Barcode _____
(if applicable)

Job Title Chief, Admission + Release

Address 501 S. Calhoun St

Phone 717-3045

Street

Tall.

FL

32399

City

State

Zip

E-mail adams.lee@mail.dc.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Representing Fl Dept of Corrections

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

TCS 3

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-4-13

Meeting Date

Topic Fraud Documents

Bill Number _____
(if applicable)

Name Karen E Rushing

Amendment Barcode _____
(if applicable)

Job Title Clerk of Court / Comptroller Sarasota

Address 2000 Main St.

Phone 941-861-7605

Street

City

State

Zip

Sarasota FL 34239

E-mail Krushing@Segov.net

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Tab 3

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/13
Meeting Date

Topic Fraudulent Sentencing Modifications Bill Number _____ (if applicable)
Name Jeff Ashton Amendment Barcode _____ (if applicable)
Job Title State Attorney 9th Circuit (Orlando)
Address Court House Phone _____
Street
Orlando, Fla. City State Zip
E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing State Attorneys

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Technology-Facilitated Child Sexual Exploitation Crimes

***Florida Department of Law Enforcement
Investigations & Forensic Science Program***



CYBER TIPLINE

www.cybertipline.com

1-800-843-5678



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SOCIAL
NETWORKING

HOW-TO's

C-SAFE

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for your family,
your business,
and yourself.

123456

[next](#)

An initiative of







QUESTIONS?

Mark Perez

Special Agent in Charge

850-410-8390

markperez@fdle.state.fl.us

TECHNOLOGY-FACILITATED CHILD SEXUAL EXPLOITATION CRIMES

For purposes of this document the term “technology-facilitated child sexual exploitation crimes” includes crimes in Chapters 810, 827, and 847, in which a computer or other electronic device is an element of the crime or where use of a computer or electronic device can be inferred as being included because the crime covers images or the act of transmission or possession. Unlawful acts include, but are not limited to, transmission of child pornography; transmission of pornographic, obscene, or harmful materials to a minor; traveling to meet a minor met over the Internet for sexual conduct; sexual performances by a minor; felony video voyeurism; and repeat sexting.

- **Video voyeurism; adult 19 or older; victim is any age (s. 810.145(6)(b)).**
Third degree felony. Level 1 offense.
- **Video voyeurism; person commits a second or subsequent violation of s. 810.145 (s. 810.145(7)).**
Second degree felony. Level 4 offense.
- **Video voyeurism; person commits a violation of s. 810.145 and is 18 or older and responsible for the welfare of child under 16; 18 or older and is employed at a school and the victim is a student at the school; or 24 or older and the victim is under 16 (s. 810.145(8)(a)).**
Second degree felony. Level 4.
- **Video voyeurism; person commits a violation of s. 810.145(8)(a) and has previously committed a violation of s. 810.145 (s. 810.145(8)(b)).**
Second degree felony. Level 6 offense.
- **Sexual performance; person employs/authorizes/induces a minor to engage in a sexual performance (s. 827.071(2)).**
Second degree felony. Level 6 offense.
- **Sexual performance; person promotes a sexual performance by a minor (s. 827.071(3)).**
Second degree felony. Level 6 offense.
- **Sexual performance; person possesses with intent to promote image, etc., which includes sexual conduct by a child (s. 827.071(4)).**
Second degree felony. Level 5 offense.
- **Sexual performance; person possesses image, etc., which includes sexual performance by a child (s. 827.071(5)).**
Third degree felony. Level 5 offense.

- **Transmission of image harmful to minor; person transmits, etc., an image, etc., which depicts a minor engaged in an act or conduct harmful to a minor (s. 847.011(1)(c)).**
Third degree felony. Level 1 offense.
- **Use of a minor in production of material harmful to minors; person uses a minor in the production of an image, etc., depicting sexual conduct, etc., harmful to minors (s. 847.012(4) and (5)).**
Third degree felony. Level 1 offense.
- **Transmission of obscenity to a minor; person transmits, etc., an obscene image, etc., to a minor (s. 847.0133(1) and (3)).**
Third degree felony. Level 1 offense.
- **Computer pornography/solicitation; person transmits, etc., personal information regarding a minor to facilitate, etc., sexual conduct with any minor or transmits, etc., a visual depiction of such conduct (s. 847.0135(2)).**
Third degree felony. Level 6 offense.
- **Computer pornography/solicitation; person uses a computer service to solicit, etc., a minor to engage in unlawful sexual conduct (s. 847.0135(3)).**
Third degree felony. Level 7 offense.
- **Computer pornography/solicitation; person uses a computer service to solicit, etc., a minor to engage in unlawful sexual conduct and misrepresents his/her age (s. 847.0135(3)).**
Second degree felony. Level 7 offense.
- **Computer pornography/solicitation; person travels to meet a minor met over the Internet to engage in unlawful sexual conduct with the minor (s. 847.0135(4)).**
Second degree felony. Level 7 offense.
- **Computer transmission/lewd exhibition; adult commits lewd exhibition using a computer; victim is under 16 (s. 847.0135(5)(b)).**
Second degree felony. Level 5 offense.
- **Computer transmission/lewd exhibition; juvenile commits lewd exhibition using a computer; victim is under 16 (s. 847.0135(5)(c)).**
Third degree felony. Level 4 offense.
- **Child pornography; person in Florida transmits child pornography to a person in Florida or elsewhere (s. 847.0137(2)).**
Third degree felony. Level 5 offense.
- **Child pornography; person outside Florida transmits child pornography to a person in Florida (s. 847.0137(3)).**
Third degree felony. Level 5 offense.

- **Transmission of harmful image to a minor; person transmits to a minor an image, etc., which is harmful to minors (s. 847.0138(2)).**
Third degree felony. Level 5 offense.
- **Transmission to a minor of image harmful to minors; person outside Florida transmits to a minor an image, etc., which is harmful to minors (s. 847.0138(3)).**
Third degree felony. Level 5 offense.
- **Repeat sexting; minor commits a sexting violation after being found to have committed a 1st degree misdemeanor sexting violation (s. 847.0141(3)(c)).**
Third degree felony. Level 1 offense.

THE FLORIDA SENATE
APPEARANCE RECORD

Tab 4

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/13

Meeting Date

Topic Investigation, Prosecution & Punishment of Technology-Facilitat Bill Number _____
(if applicable)

Name Mark Perez Amendment Barcode _____
(if applicable)

Job Title Special Agent in Charge

Address 2331 Phillips Road Phone 850-410-8390
Street

Tallahassee FL 32302
City State Zip

E-mail markperez@fdle.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida Department of Law Enforcement

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37

Caption: Senate Criminal Justice Committee

Case:

Judge:

Type:

Started: 11/4/2013 4:02:06 PM

Ends: 11/4/2013 5:36:22 PM

Length: 01:34:17

4:02:08 PM Senator Evers calls the meeting to order
4:02:12 PM roll call
4:02:17 PM quorum present
4:02:32 PM SB 162 by Senator Stargel
4:03:34 PM Senator Stargel explains bill
4:04:16 PM Pamela Burch Fort, ACLU, waives in opposition
4:05:16 PM Brian Pitts, Justice-2-Jesus, speaks on bill
4:11:08 PM Senator Stargel closes on bill
4:12:08 PM roll call on SB 162
4:12:28 PM SB 162 is reported favorable
4:12:50 PM SB 238 by Senator Joyner
4:13:09 PM Senator Bradley explains bill
4:14:03 PM Amendment 509154 by Senator Smith
4:14:38 PM Amendment explained by Senator Bradley
4:14:47 PM Amendment adopted
4:14:54 PM Nancy Daniels waives in support
4:15:07 PM Brian Pitts waives in support
4:15:19 PM Amanda Fortuna waives in support
4:15:32 PM Senator Smith comments
4:15:54 PM Senator Dean comments on bill
4:16:53 PM Senator Smith responds
4:18:01 PM Senator Dean with a follow-up
4:18:10 PM Senator Smith responds
4:18:42 PM Senator Bradley closes on bill
4:19:42 PM Senator Gibson moves for a CS
4:20:01 PM roll call on CS/SB 238
4:20:18 PM CS/SB 238 is reported favorable
4:21:19 PM Michael Crews, FL Dept of Corrections, presents on Fradulent Court Orders
4:28:07 PM Senator Gibson asks Mr. Crews about procedure
4:29:10 PM Secretary Crews answers
4:29:56 PM Lee Adams, FL Dept of Corrections, continues presentation on fradulent court orders
4:46:23 PM Senator Bradley asks Mr. Adams a question regarding procedure
4:47:25 PM Mr. Adams answers
4:47:32 PM Senator Bradley with a follow-up
4:48:31 PM Mr. Adams answers
4:48:54 PM Senator Simmons asks about other fradulent orders
4:49:51 PM Mr. Adams answers
4:49:57 PM Senator Simmons comments
4:50:15 PM Senator Bradley asks another question
4:51:16 PM Chief Adams responds
4:51:47 PM Senator Gibson asks about the process
4:52:46 PM Chief Adams answers
4:52:55 PM Senator Gibson with a follow-up
4:53:05 PM Chief Adams answers
4:53:12 PM Senator Gibson asks about change in processing
4:54:07 PM Chief Adams answers
4:54:18 PM Senator Gibson asks another question
4:55:16 PM Chief Adams answers
4:55:22 PM Chief Adams continues with presentation
5:00:19 PM Senator Simmons asks what is the best way to assure there is little room for error
5:02:50 PM Senator Simmons asks what is being done and how can orders be better verified
5:04:00 PM Chief Adams answers

5:06:31 PM Senator Dean makes a comment
5:07:32 PM Senator Gibson asks about the process
5:08:15 PM Chief Adams responds
5:08:22 PM Chiefs Adams continues with presentation
5:10:21 PM Senator Simmons asks what other states are doing regarding this issue
5:12:01 PM Senator Evers comments
5:12:47 PM Secretary Crews responds to Senator Simmons question
5:13:53 PM Senator Evers comments
5:14:17 PM Chief Adams continues with presentation
5:15:28 PM Commissioner Bailey, FDLE, briefs committee on the ongoing investigation
5:22:54 PM Jeff Ashton, State Attorney of the 9th Circuit, makes comment regarding new procedures
5:24:32 PM Karen Rushing, Clerk of Courts, presents on the recent inmate escapes
5:32:00 PM Mr. Ashton comments on presentation
5:33:01 PM Senator Evers comments
5:33:34 PM Mr. Ashton makes a suggestion
5:33:47 PM Senator Evers responds
5:34:02 PM Senator Altman moves to vote in favor of bills
5:35:02 PM Senator Gibson makes a comment and asks about authentication
5:35:43 PM Senator Evers responds
5:35:58 PM Senator Gibson moves we rise